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JOURNAL

OF

Proceedings of the First Branch

OF THE

CITY COUNCIL OF BALTIMORE,

AT THE

SESSIONS OF 1860 & 1861.

BALTIMORE:
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JOURNAL.

Monday, November 19, 1860.

FIRST BRANCH.

The members elect of the First Branch of the City Council having assembled in their Chamber, at 3 o'clock this afternoon, in pursuance of a summons from the Mayor ; the roll was called and the following named gentlemen, having previously duly qualified before the Mayor, appeared and took their respective seats :

Jacob Yiesley.....*First Ward.*
George W. Wolfe.....*Second Ward.*

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Jacob Meyers.....	<i>Third Ward.</i>
Owen Boulden.....	<i>Fourth Ward.</i>
David E. Thomas, Sen.....	<i>Fifth Ward.</i>
George E. Bandel.....	<i>Sixth Ward.</i>
John Bolgiano.....	<i>Seventh Ward.</i>
John J. Staylor.....	<i>Eighth Ward.</i>
Thomas J. Brown.....	<i>Ninth Ward.</i>
John S. Nicholas.....	<i>Tenth Ward.</i>
E. Wyatt Blanchard.....	<i>Eleventh Ward.</i>
John C. Blackburn.....	<i>Thirteenth Ward.</i>
Henry W. Drakely.....	<i>Fourteenth Ward.</i>
Solomon Allen.....	<i>Fifteenth Ward.</i>
Hannibal H. Chase.....	<i>Sixteenth Ward.</i>
John A. J. Dixon.....	<i>Seventeenth Ward.</i>
Jesse Day.....	<i>Eighteenth Ward.</i>
John H. Tegmeyer.....	<i>Nineteenth Ward.</i>
Hezekiah Crout.....	<i>Twentieth Ward.</i>

On motion of Mr. Staylor, J. Spear Nicholas, Esq., was called to the chair for the purpose of a temporary organization.

On motion of Mr. Staylor, Mr. Blanchard was appointed Secretary.

On motion of Mr. Yiesley, the Branch proceeded to elect a President.

Mr. Myers nominated JOHN C. BLACKBURN, Esq.

On motion of Mr. Staylor, the ballot was dispensed with, and Mr. Blackburn was declared unanimously elected.

Messrs. Meyers, Staylor and Tegmeyer, were appointed a committee to conduct Mr. Blackburn to the chair.

On motion of Mr. Nicholas, the compensation of the Chief Clerk was fixed at four dollars per diem.

The Branch then proceeded to elect a Chief Clerk.

Mr. Bolgiano nominated Mr. J. SHAAFF STOCKETT, and on motion of Mr. Nicholas, the ballot was dispensed with, and Mr. Stockett was declared unanimously elected.

On motion of Mr. Bolgiano, the compensation of the Assistant Clerk was fixed at four dollars per diem.

The Branch then proceeded to elect an Assistant Clerk.

Mr. Staylor nominated Mr. WILLIAM J. O'BRIEN, and on motion the ballot was dispensed with, and Mr. O'Brien was declared unanimously elected.

On motion of Mr. Bolgiano, the compensation of the Doorkeeper was fixed at two dollars a day.

The Branch then proceeded to elect a Doorkeeper.

Mr. Bolgiano nominated Mr. JOHN B. RAY, and on motion the ballot was dispensed with, and Mr. Ray was declared unanimously elected.

On motion of Mr. Bolgiano, a message was sent to the Second Branch informing that body of the organization of this Branch.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, November, 19, 1860.

Gentlemen of the First Branch:

We respectfully inform you that we have organized the Second Branch of the City Council by the election of the following officers, viz: Charles J. Baker, Esq., President; Allen E. Forrester Clerk, and John Kitts, Doorkeeper.

We respectfully inform you that we have concurred in your proposition for the appointment of a joint committee to wait upon his Honor the Mayor, to inform him of the organization of the Council, and its readiness to receive any communication he may have to present. Messrs. Miller, George and Robb, have been appointed as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Bolgiano, a message was sent to the Second Branch proposing the appointment of a joint special committee to wait upon the Mayor informing him that the Council have organized and are now ready to receive any communication which he may have to make.

The President announced the following as the committee on the part of this Branch, Messrs. Bolgiano, Boulden and Tegmeyer.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, November 19, 1860.

Gentlemen of the First Branch :

We respectfully propose, with your concurrence, that the hour for the meeting of the Council during the present session be fixed at five o'clock, P. M.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Nicholas, the proposition contained in the message was concurred in.

The Committee to wait upon the Mayor returned, and through their chairman, Mr. Bolgiano, informed the Branch that they had performed the duty assigned them, and that the Mayor would communicate in a few minutes.

On motion of Mr. Nicholas the rules of order of the First Branch of the last City Council were adopted for the government of this.

The following message and accompanying document was received from the Mayor :

MAYOR'S OFFICE—CITY HALL,
Baltimore, November 19, 1860.

*To the Honorable the Members of the First
and Second Branches of the City Council :*

GENTLEMEN :—

Your honorable body has been called together before the period designated by law, in order that through your regular organization, provision may be made for the occurrence of any disability on the part of the Mayor, and I shall therefore, at present refrain from asking your consideration of any measures which will require protracted deliberation.

I submit herewith a communication, addressed to me by the Board of Police ; by which it will be seen that an appropriation of \$4,500 is necessary to pay the expenses of the last two elec-

tions. The cost of future elections may be somewhat reduced by a diminution of the number of precincts, inasmuch as the result of the late elections has shown that the number of voters in the city is considerably less than the estimate made by the Commissioners appointed to divide the wards, on which the Board of Police felt itself bound to act in establishing the precincts. The expenses of advertising under the existing law are unnecessarily large, but a change in this respect can only be effected through an act of Assembly which can, no doubt, be obtained without difficulty at the next session of the Legislature. The Judges of Elections are allowed a per diem of Two Dollars each "for their services." These services include not only the duties of all the Judges on the day of election, but on the part of the presiding Judge in each precinct, the duty of making the return which he is required to do on a following day, as such return necessarily occupies a considerable part of a day, I recommend that an Ordinance be passed, authorizing the payment of one per diem of Two Dollars to each Judge making such return, at every election. The law, as it stands, is perhaps broad enough to warrant such additional compensation, but as doubts have been expressed on the subject, it will be better that an Ordinance should be passed to remove the difficulty.

An additional appropriation of Two Thousand Dollars is necessary in order to complete the important improvement of deepening Jones' Falls, from the Back Basin to Canton Avenue, and I respectfully recommend that it may be granted. The completion of this improvement will enable the city to increase the profit which it derives from its Wharves on the Back Basin, and enable the Basin to be kept in navigable order, at a much smaller cost than heretofore.

Respectfully, Yours,

GEO. WM. BROWN, *Mayor.*

OFFICE BOARD OF POLICE,
Baltimore, Nov. 17th, 1860.

HON. GEO. WM. BROWN,

Mayor of the City :

SIR :—The Board of Police ask leave to submit the present

communication to your consideration, and respectfully request that the subject to which it refers may be brought to the notice of the honorable the City Council, at such time, and in such mode as you may deem proper :

By an Act of the General Assembly passed at their last session, it was provided that every ward in the city should be divided into election precincts, in each of which the Board of Police were required to appoint three judges and two clerks of election. The Act referred to will be found incorporated into the Public Local Laws of the State, article 4, sections 199 to 228.

By different sections of said Act, various duties were imposed as well on the Board of Police, as on the Judges of Election, for the neglect of which they were respectively made liable to serious penalties. The judges were required to select the places for voting in their several precincts, to give by advertisements, public notice of the same, and to make all such arrangements as in their judgment might be necessary and proper to prevent obstructions at the polls, and to secure the peaceful conduct of such election as they might hold. The Board of Police were among other duties, to divide the wards into precincts, and to cause a description of each of the same to be published daily three times, "in" all the daily papers of the City of Baltimore "which should be willing, for a proper compensation, to insert the same. And it was enacted, that the compensation of the judges and clerks of election, and all expenses incurred by the said judges, according to law, as well as all expenses incurred by the Board of Police in the division of the wards into precincts, as aforesaid, and in recording and publishing the same, or otherwise, under the said law, or in the execution thereof, should be paid by, and recoverable from the Mayor and City Council.

Taking as their guide, the report made to the City Council by the Commissioners appointed by the city to divide the same anew into wards, of the number of voters residing in each, the Board of Police were compelled by the aforesaid Act of Assembly to lay off every ward into four election precincts, making eighty in all, and consequently to appoint the aggregate number of two hundred and forty judges, and one hundred and sixty clerks of election.

The only appropriation which has been made by the Mayor and City Council to meet the expenses above referred to, is that made by Ordinance No. 51, approved July 13th, 1860, of eight hundred dollars "for expenses of "Charter Election." This is the amount required for one days compensation of the judges and clerks. Their per diem allowance for holding the Presidential Election, as well as all the proper and necessary expenses incurred by the judges and by the Board of Police in obedience to law, thus remain unprovided for.

The Board of Police have been called on by a number of judges and clerks, and urged to take the earliest opportunity of bringing this subject to the notice of the City Authorities. With the settlement of their accounts the Board have nothing to do, that being exclusively the province of the proper officers of the city. To enable them, however, to form some estimate of the amount that will be required, the Board have conferred with the Comptroller of the city, to whom some of these bills have been presented, and the conclusion at which they have arrived, is that to defray all expenses incurred under the election law, by the Board of Police and by the Judges of Elections, there will be required, in addition to the appropriation of eight hundred dollars already made, a further appropriation of four thousand five hundred dollars. This is inclusive, likewise, of the claim of the Sheriff for ballot-boxes and poll books, which he was required by law to furnish to the judges.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

CHARLES HOWARD, *Pres.*

On motion of Mr. Staylor, the Mayor's communication and the accompanying document were sent to the Second Branch.

On motion of Mr. Staylor a message was sent to the Second Branch proposing the appointment of a joint select committee to whom the Mayor's message should be referred for distribution among the appropriate committees. The President named on the part of this Branch, Messrs. Staylor, Nicholas and Yeisley.

Mr. Staylor offered the following resolution which was read and adopted:

Resolved by the First Branch of the City Council of Baltimore, That the Comptroller furnish this Branch at his earliest convenience a statement of the amount of money paid by him to Milton Whitney, Esq., State's Attorney for Baltimore City, as fees of office during the years of 1858, 1859 and 1860 respectively; specifying the amount paid for each term of the Criminal Court of Baltimore City, during said years, and also whether any monies are due by the said city at this time to said Milton Whitney.

Mr. Nicholas asked and obtained leave to submit an ordinance entitled "A Supplement to an ordinance entitled 'An ordinance to regulate Elections,'" which was read.

Mr. Nicholas submitted the following resolution which was read:

Resolved by the Mayor and City Council of Baltimore, That the sum of Four Thousand Five Hundred Dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated to be expended under the direction of the Comptroller of the City, for the purpose of paying the expenses of the two elections recently held in this city.

Mr. Nicholas submitted the following resolution which was read:

Resolved by the Mayor and City Council of Baltimore, That the sum of Two Thousand Dollars, or so much thereof as is necessary, be and it is hereby appropriated to be expended under the direction of the Port Warden, for the purpose of deepening Jones' Falls from the Back Basin to Canton Avenue.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, November 19th, 1860.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your request for the appointment of a joint select committee to distribute the contents of the Mayor's communication to appropriate committees; and have appointed Messrs. Robb, Higgins and Marden, as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Crout, the thanks of the Branch were unanimously tendered to the late Doorkeeper, Mr. Bandel, for his courteous assistance in the organization of this Branch.

On motion of Mr. Staylor, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, November 20, 1860.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

The President announced the following joint standing and joint select committees on the part of this Branch :

JOINT STANDING COMMITTEES.

Ways and Means—Messrs. Nicholas, Drakely and Blanchard.

Highways—Messrs. Boulden, Hay and Allen.

City Property—Messrs. Blanchard, Bandel and Brown.

Bridges—Messrs. Tegmeyer, Boulden and Yeisley.

Harbor—Messrs. Meyers, Thomas and Dixon.
Claims—Messrs. Blanchard, Staylor and Bolgiano.
Health—Messrs. Thomas, Bolgiano and Chase.
Markets—Messrs. Bolgiano, Wolfe and Crout.
Water—Messrs. Brown, Tegmeyer and Allen.
Police and Jail—Messrs. Phelps, Chase and Brown.
Fire Department—Messrs. Staylor, Tegmeyer and Hay.
Internal Improvements—Messrs. Boulden, Nicholas, and Drakely.
Education—Messrs. Phelps, Bandel and Meyers.
Alms House—Messrs. Hay, Nicholas and Wolfe.
Commerce—Messrs. Dixon, Drakely and Crout.
McDonogh Bequest—Messrs. Nicholas, Thomas and Phelps.
Enrollment—Messrs. Staylor and Blanchard.

JOINT SELECT COMMITTEES.

Register's Office and Accounts—Messrs. Yeisley, Meyers and Dixon.
Commissioners of Finance Accounts—Messrs. Crout, Allen and Wolfe.
City Commissioner and Port Warden's Accounts—Messrs. Chase, Staylor and Brown.
Commissioner of Public Schools Accounts—Messrs. Wolfe, Drakely and Hay.
Health Commissioner's Accounts—Messrs. Allen, Bolgiano and Crout.
Comptroller's Accounts—Messrs. Bandel, Dixon and Tegmeyer.
Commissioners of Fire Department Accounts—Messrs. Brown, Phelps and Meyers.

JOINT SPECIAL COMMITTEES.

On the House of Refuge—Messrs. Drakely, Boulden and Yeisley.
Committee on Elections—Messrs. Bolgiano, Phelps and Chase.

Mr. Yeisley presented a petition of John Schreuber, asking to be allowed to improve a certain frame building, on North Frederick street, which was read and referred to the joint standing committee on the Fire Department.

Mr. Bandel presented the petition of John Howard, asking to be allowed to continue in use a certain frame tenement on his premises, at the corner of Eden and Mulliken streets, which was read and referred to the joint standing committee on the Fire Department.

Mr. Allen presented the petition of Moses Richardson, asking to be allowed to erect and use a steam engine on his premises, on Y alley, which was read and referred to the joint standing committee on the Fire Department.

The President presented the petition of Thomas L. Emory, one of the Agents on the part of the city of Baltimore of the McDonogh equest, asking to be placed upon a footing with his colleagues as regards their compensation, which was read and referred to the joint standing committee on the McDonogh Bequest.

Mr. Crout presented a communication from Wm. Gross, in relation to the contracts for the erection of the new Alms House buildings, which was read and referred to the joint standing committee on the Alms-House.

The President presented an invitation from Capt. George W. Bowers, of the Wells and McComas Riflemen, to attend their Annual Ball, which, on motion of Mr. Meyers, was accepted.

The President presented a petition from N. Osborne, contractor to build a new United States Court House, asking to be allowed to retain in use a certain frame building lately erected by him on North street, which was read and referred to the joint standing committee on Highways.

Mr. Staylor, from the joint special committee to whom was referred the Mayor's message for distribution, submitted the following report and resolution, which were read :

The joint speical committee to whom was referred the Mayor's communication for distribution, have considered the same, and respectfully submit the following resolution :

JOHN J. STAYLOR,
J. S. NICHOLAS,
JACOB YEISLEY.

First Branch.

JOSEPH ROBB,
ASA HIGGINS,
JESSE MARDEN.

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That so much of the Mayor's communication as refers to the

compensation of the return judges of election, and to the expenses of the last two elections, be referred to the joint standing committee on Ways and Means; and so much as relates to the deepening of Jones' Falls between certain points, to the joint standing committee on the Harbor.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas called up the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to regulate elections.'"

On motion of Mr. Nicholas, the ordinance was referred to the joint standing committee on Ways and Means.

Mr. Nicholas called up the resolution appropriating \$4,500 to defray the expenses of the late elections.

On motion of Mr. Nicholas, the resolution was referred to the joint standing committee on Ways and Means.

Mr. Nicholas called up the resolution providing for the deepening of Jones' Falls.

On motion of Mr. Nicholas, the resolution was referred to the joint standing committee on the Harbor.

The President announced the reception of a sealed communication from the Mayor addressed to the President and members of both Branches of the City Council.

On motion of Mr. Brown, a committee was sent to the Second Branch inviting it into convention.

The President appointed Messrs. Brown and Staylor, who returned accompanied by the President and members of the Second Branch.

The two Branches resolved themselves into a convention, and after transacting some business therein, the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Bandel offered the following resolution, which was read and adopted:

Resolved by the First Branch of the City Council of Baltimore, That the Clerk of the Branch be requested to procure from the files of the Register's Office, the map or diagram of the farm of Felix Van Ruth, presented to the last annual session of the City Council as a site for a new Alms-House.

Mr. Bandel submitted the following preamble and resolutions, which were read :

Whereas by the action of the last Council, measures, after having been returned by the Mayor with his objections, and then, after reconsideration, failing to pass by the constitutional vote, were again taken up as new business—passed—and a second time (within a few days,) sent to the Executive for his approval—thus forcing the Chief of the Municipality to a second exercise of the veto power upon the same ordinance or resolution ; and, whereas, the presiding officer of the last Council, when appealed to upon the subject, decided, that as there was no direct rule of the Branch, or Council, to prohibit such second introduction, he would be forced, reluctantly, to receive and entertain the subject ; and, whereas, such a custom, or usage, in the absence of a rule to the contrary, would greatly retard and embarrass legislation—would in fact prevent a *finality* upon any one subject—the Council sending every day to the Mayor the same matter for his approval—forcing that officer to the exercise of his veto on every occasion ; and, whereas, to guard against such a recurrence in the future, it is plainly the duty of the present Council to adopt some rule upon the subject—therefore

Resolved by both Branches of the City Council of Baltimore, That the following additional rule be added to the joint rules governing the City Council.

When any ordinance, resolution, or other legislative business, shall have been sent to the Mayor for his approval and returned with his objections, and the same, after being reconsidered, failing to pass by the constitutional vote, shall not again be acted upon during the session of the Council in which it originated.

On motion of Mr. Staylor, the Branch adjourned until tomorrow afternoon at 5 o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, November 21, 1860.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Bandel presented the petition of Louis Lohrfink, asking permission to erect a building to be used as a morocco factory, which was read and referred to the joint standing committee on Health.

Mr. Staylor presented the petition of James Dougherty, asking permission to retain in use a frame shed, as a carpenter shop, at the corner of Charles and Read streets, which was read and referred to the joint standing committee on the Fire Department.

Mr. Staylor presented the petition of C. Schiller, asking permission to erect a steam engine, on his premises, on Swan street, near the Centre Market, which was read and referred to the joint standing committee on the Fire Department.

Mr. Nicholas presented the memorial of the Agents of the City of Baltimore for the McDonogh Bequest, requesting the passage of an ordinance to empower them to prosecute certain land claims, and to employ and compensate counsel, which was read and referred to the joint standing committee on the McDonogh Bequest.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, November 21st, 1860.

Gentlemen of the First Branch:

We respectfully inform you that we have appointed the following joint standing, joint select and joint special committees on the part of this Branch:

JOINT STANDING COMMITTEES.

Ways and Means—Messrs. Alricks, George and Miller.
Highways—Messrs. Higgins, Robb and Marden.
City Property—Messrs. George, Dean and Swindell.
Bridges—Messrs. Dean, Higgins and Wilson.
Harbor—Messrs. Swindell, Marden and Dean.
Claims—Messrs. Miller, George and Robb.
Health—Messrs. Wilson, Dean and Higgins.
Markets—Messrs. Marden, Swindell and Wilson.
Water—Messrs. Robb, Miller and Higgins.
Police and Jail—Messrs. Dean, Alricks and Marden.
Fire Department—Messrs. George, Robb and Higgins.
Internal Improvements—Messrs. Miller, Dean and Alricks.
Education—Messrs. Alricks, George and Swindell.
Alms-House—Messrs. Higgins, Wilson and Miller.
Commerce—Messrs. Robb, Dean and Alricks.
McDonogh Bequest—Messrs. George, Miller and Dean.
Enrollment—Messrs. Marden and Robb.

JOINT SELECT COMMITTEES.

Register's Office and Accounts—Messrs. Alricks, Robb and Higgins.
Commissioners of Finance Accounts—Messrs. George, Alricks and Wilson.
City Commissioner and Port Warden's Accounts—Messrs. Miller, Dean and Swindell.
Commissioners of Public Schools Accounts—Messrs. Marden, George and Alricks.
Health Commissioner's Accounts—Messrs. Higgins, Swindell and Dean.
Comptroller's Accounts—Messrs. Robb, Wilson and Miller.
Commissioners of Fire Department Accounts—Messrs. Dean, Marden and Robb.

JOINT SPECIAL COMMITTEE.

House of Refuge—Messrs. Wilson, Alricks and Higgins.

By order,

ALLEN E. FORRESTER, *Clerk.*

The following message and accompanying document were received from the Mayor :

MAYOR'S OFFICE—CITY HALL,
 Baltimore, November 21, 1860.

*To the Honorable the Members of the First
 and Second Branches of the City Council :*

GENTLEMEN :—

I respectfully submit herewith a communication from the Board

of Health, by which it appears that the appropriation for cleaning the city is nearly exhausted, and that unless a further appropriation be made, the business of the department must be suspended for the remainder of the year.

As this is a matter of great importance, involving the health, as well as the comfort of the citizens, I respectfully request that it be at once taken into consideration, and that a joint committee be appointed to confer with the Board of Health on the subject.

By a change in the ordinance which has been suggested by the Board, I anticipate that greater economy may be introduced in the administration of this department.

Respectfully yours,

GEO. WM. BROWN, *Mayor*.

HEALTH OFFICE,

Baltimore, November 19th, 1860.

To the Honorable

The Mayor and City Council:

GENTLEMEN :—The Board of Health would respectfully represent that the appropriation made for the department, over which they have the supervision, is insufficient to meet the absolute demands of said department.

The estimate made by the Board at the commencement of the year, and which was based upon past experience, with the most rigid economy, was not responded to in the appropriation bill by nearly eleven thousand dollars.

We proceeded with the business of the department, using the utmost economy in every branch, until near the close of the last session of the Councils; we made a statement of our affairs (found on folio 1106 First Branch Journal,) and solicited an additional appropriation. Not meeting with a response, we again made a communication to the Councils, (found upon folio 1300 same journal,) upon which they made us an additional appropriation of five thousand dollars.

That, is now nearly exhausted, and, unless an additional appropriation of about four thousand dollars be made, the business of this department must be suspended for the remainder of the year.

Very respectfully,

By order of the Board,

J. GILMAN, *Secretary*.

On motion of Mr. Staylor, the above message and accompanying document were referred to the joint standing committee on Health.

Mr. Boulden, from the joint standing committee on Highways, submitted the following report and resolution, which were read;

The joint standing committee on Highways, to whom was referred the application of Nehemiah Osbourn, &c., contractors for the erection of the new United States Court House, for permission to retain the wooden shed and blacksmith shop as now erected in North street, having examined the matter carefully, are of opinion that their request is just and reasonable, and should be granted, and respectfully offer the following resolution :

OWEN BOULDEN,

JESSE HAY,

SOLOMON ALLEN,

First Branch.

ASA HIGGINS,

JOSEPH ROBB,

JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the contractors for the erection of the new United States Court House, be and they are hereby authorized to retain the use of the shed erected by them on North street, subject to removal at the discretion of the Mayor.

On motion of Mr. Boulden, the resolution was read a second time, by special order, and adopted.

The following communication was received from the Comptroller :

COMPTROLLER'S OFFICE,

Baltimore, November 20th, 1860.

To the President and Members of

The First Branch City Council :

GENTLEMEN :—In compliance with a resolution passed by your

honorable body on the afternoon of the 19th inst., I herewith present the following statement, showing the amount of moneys paid Milton Whitney, Esq., during the years 1858, 1859 and 1860—also balance due.

1858—Jan. 20.	For September Term of 1857.....	\$2,000.00	
“ Feb. 23.	Balance due for said Term, paid.....	2,233.33	
			\$4,233.33
“ May 12.	For January Term of 1858.....		1,403.33
“ Sept. 14.	For May Term “ “		6,198.00
1859—Jan. 10.	For September Term “ “		2,543.33
“ May 20.	For January Term “ 1859.....		1,586.66
“ Sept. 14.	For May Term “ “	\$1,836.57	
1860—May 8.	Balance due for said Term, paid.....	1,900.00	
			3,736.57
1860—Jan. 10.	For September Term 1859....	\$1,540.34	
“ May 12.	Balance due, paid.....	1,200.00	
			2,740.34
“ May 14.	For January Term 1860..	\$1,086.66	
“ “ 29.	Balance due, paid.....	1,000.00	
			2,086.66
“ Sept. 11.	For May Term 1860.....	\$1,905.66	
			1,905.66
			\$26,433.88
	Due Milton Whitney for May Term 1860.....	1,905.00	
			\$28,338.88

Respectfully submitted,

SAMUEL MACCUBBIN, *Comptroller.*

Mr. Brown submitted the following resolution, which was read and adopted :

Resolved by the First Branch of the City Council of Baltimore, That the committee on the Alms-House be and is hereby requested to inquire whether the location of the new Alms-House, now being built, is suitable for the purpose, and also to obtain all other information concerning the same, and report as early as practicable.

Mr. Meyers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read:

The joint standing committee on the Harbor, to whom was referred so much of the Mayor's communication as relates to the deepening of Jones' Falls, have had the same under consideration, and report that they have carefully examined the subject, and are of opinion, that in consequence of the advanced stage of the season, and the present depleted state of the City Treasury it would not be advisable to recommend the appro-

priation at this time. The following resolution is therefore respectfully submitted:

JACOB MEYERS,
D. E. THOMAS,
JOHN A. J. DIXON.

First Branch.

WM. DEAN,
JESSE MARDEN,
WM. SWINDELL,

Second Branch.

Resolved, That the subject of deepening Jones' Falls be referred to the annual session of the City Council.

On motion of Mr. Meyers, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Drakeley, the Branch adjourned until tomorrow afternoon at 5 o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, November 22, 1860.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Staylor presented the petition of David Wilson, John McCall, and others adverse to the petition of Louis Lohrfink, asking permission to erect a building to be used as a morrocco factory, which was read and referred to the joint standing committee on Health.

Mr. Phelps presented the petition of Wm. G. Power, asking permission to erect a bay window on his premises, (a new house now building for his own use,) at the corner of Madison and Hoffman streets, which was read and referred to the joint standing committee on the Fire Department.

Mr. Phelps presented the petition of the Clerk of the Circuit Court for Baltimore City, asking that gas may be introduced into the office of said Clerk, which was read.

Mr. Phelps presented the following resolution :

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized and directed to have gas placed in the office of the clerk of the Circuit Court, the expense of the same to be provided for in the annual levy for 1861.

On motion of Mr. Phelps, the rules were suspended, and the resolution was read a second time and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read :

The joint standing committee on the Fire Department, to

whom was referred the petition of C. Schiller, asking to be allowed to erect a steam engine on his premises on Swan Street, have had the same under consideration, and after a visit to and inspection of the locality, are of opinion that the prayer of the petitioner is reasonable and should be granted—he having complied with the requirements of the law in regard to the legal notice. The following resolution is therefore respectfully submitted :

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY.

First Branch.

JAS. B. GEORGE,
JOSEPH ROBB,
ASA HIGGINS.

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to C. Schiller to put up and use a small steam engine, not exceeding seven horse power, on his premises on Swan Street.

On motion of Mr. Staylor, the rules were suspended, and the resolution was read a second time and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution :

The joint standing committee on the Fire Department, to whom was referred the petition of John Howard, asking permission to continue in use a frame stable lately erected by him on the S. E. Corner of Eden and Mulliken Streets, have considered the same, and after a visit to the premises are of opinion that the permission asked for should not be granted. The following resolution is therefore respectfully submitted :

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY.

First Branch.

JAS. B. GEORGE,
JOSEPH ROBB,
ASA HIGGINS.

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Staylor, the rules were suspended, and the resolution was read a second time, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution :

The joint standing committee on the Fire Department, to whom was referred the petition of John Schreuber, asking to be allowed to improve a certain frame building on North Frederick Street, have had the same under consideration, and are of opinion that the prayer of the petitioner should not be granted. The following resolution is therefore respectfully submitted :

JOHN J. STAYLOR,

JESSE HAY,

J. H. TEGMEYER,

First Branch.

JAS. B. GEORGE,

JOSEPH ROBB,

ASA HIGGINS.

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Staylor, the rules were suspended, and the resolution was read a second time, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution :

The joint standing committee on the Fire Department, to whom was referred the petition of James Dougherty, asking that permission should be granted him to continue in use a certain frame shed lately erected by him on the corner of Charles and Read streets, have had the same under consideration, and finding there

is no objection upon the part of the neighborhood, beg leave respectfully to submit the following resolution :

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to James Dougherty, to continue in use the frame shed lately erected by him on the corner of Charles and Read streets, the same to be removed, however, after one month's notice to that effect by the Mayor.

On motion of Mr. Staylor, the rules were suspended, and the resolution was read and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution :

The joint standing committee on the Fire Department, to whom was referred the petition of Moses Richardson, asking permission to put up and use a steam engine on his premises on Y Alley, between Barre Street and Welcome Alley, have had the same under consideration, and finding that the petitioner has given the notice required by law, and that the contiguous neighbors have consented to the same, beg leave to respectfully submit the following resolution :

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY.

First Branch.

JAS. B. GEORGE,

JOSEPH ROBB,

ASA HIGGINS.

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to Moses Richardson to put up and use, on his premises on Y Alley, between Barre Street and Welcome Alley, a small steam engine not to exceed three horse power.

On motion of Mr. Staylor, the rules were suspended, and the resolution was read a second time, and adopted.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and resolution :

The joint standing committee on Ways and Means, to whom was referred so much of the Mayor's communication dated the 19th inst., as related to the per diem of the return judges of elections held in this city, for the days of making their returns, have had the same under consideration, and being of opinion that said per diem is already allowed by law, and that no further legislation on the subject is requisite, respectfully submit the following resolution :

J. S. NICHOLAS,

H. W. DRAKELY,

E. WYATT BLANCHARD.

First Branch.

FRANCIS W. ALRICKS,

JAS. B. GEORGE.

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the joint standing committee on Ways and Means be discharged from the further consideration of so much of the Mayor's communication, dated the 19th inst., as relates to the per diem of the return judges of elections held in this city.

On motion of Mr. Nicholas, the rules were suspended, and the resolution was read a second time, and adopted.

Mr. Phelps, from the joint special committee on Elections, submitted the following report and resolution :

The undersigned, a special committee on the election and qualifications of the members of this Branch, have performed the duty assigned them, and respectfully report the following

persons as being duly elected members of the First Branch of the City Council, having received a majority of the votes polled in their respective wards, and being possessed of the requisite property qualifications:

Jacob Yeisley.....	<i>First Ward.</i>
George W. Wolfe.....	<i>Second Ward.</i>
Jacob Meyers.....	<i>Third Ward.</i>
Owen Bouldin.....	<i>Fourth Ward.</i>
David E. Thomas, Sen.....	<i>Fifth Ward.</i>
George S. Bandel.....	<i>Sixth Ward.</i>
John Bolgiano.....	<i>Seventh Ward.</i>
John J. Staylor.....	<i>Eighth Ward.</i>
Thomas J. Brown.....	<i>Ninth Ward.</i>
John Spear Nicholas.....	<i>Tenth Ward.</i>
E. Wyatt Blanchard.....	<i>Eleventh Ward.</i>
Charles E. Phelps.....	<i>Twelfth Ward.</i>
John C. Blackburn.....	<i>Thirteenth Ward.</i>
Henry W. Drakely.....	<i>Fourteenth Ward.</i>
Solomon Allen.....	<i>Fifteenth Ward.</i>
Hannibal H. Chase.....	<i>Sixteenth Ward.</i>
John A. J. Dixon.....	<i>Seventeenth Ward.</i>
Jesse Hay.....	<i>Eighteenth Ward.</i>
John H. Tegmeyer.....	<i>Nineteenth Ward.</i>
Hezekiah Crout.....	<i>Twentieth Ward.</i>

The committee submit the following resolution:

JOHN BOLGIANO,
H. H. CHASE,
C. E. PHELPS.

Committee.

Resolved by the First Branch of the City Council, That the several persons named above, are hereby declared duly elected members of the First Branch of the City Council, and are entitled to their seats as members thereof.

On motion of Mr. Phelps, the rules were suspended, and the resolution was read a second time, and adopted.

Mr. Meyers submitted the following resolution, which was read and adopted:

Resolved by the First Branch of the City Council of Baltimore, That the Comptroller be requested to inform this Branch, at as early a day as practicable, in the annual session, with the re-

spective amounts of money expended in cleaning and deepening the Harbor (Jones' Falls included,) for the years 1857, 1858, 1859, and 1860 ; the information sought for to be given as succinctly as possible, and all items of expenditure to be expressed under their appropriate heads.

The Second Branch returned the resolution granting permission to the contractor for building the United States Court House, to continue in use a certain frame building on North street, and the resolution relative to the deepening of Jones' Falls, severally endorsed "concurred in."

Mr. Allen submitted the following preamble and resolutions, which were read :

Whereas, in view of the necessity and importance of the strictest economy in the expenditures of the city government in order to reduce taxation ; and, whereas, it has been customary heretofore for committees of Councils to incur heavy expenses in visiting distant portions of the city and harbor, both for transportation and entertainments ; and, whereas, expenses have been incurred by public institutions in entertainments on occasions of official visits by Councils. Therefore be it

Resolved, by both Branches of the City Council, that committees shall in modes of conveyance exercise strict economy, and no bills shall be incurred for entertainments, or receive the sanction of Councils.

Resolved, That we discountenance entertainments at public institutions on occasions of official visits, regarding them as morally injurious, a misapplication of public money, and that the same will be no passport to the favor of Councils.

Mr. Yeisley submitted the following resolution, which was read :

Resolved by the Mayor and City Council, That the City Commissioner be and is hereby authorized and directed to have flag stones placed across East Lombard street, at its intersection with Wolf and Chappel streets, and the same to be paid out of the annual appropriation for flag and stepping stones for 1861.

On motion of Mr. Yeisley, the rules were suspended, and the resolution was read a second time, and adopted.

The following communication was received from the Register and read, and on motion of Mr. Blanchard, was referred to the joint standing committee on Ways and Means :

REGISTER'S OFFICE,
Baltimore, November 22^d, 1860.

*To the President and Members of the
First and Second Branches of the City Council :*

GENTLEMEN :

Section 14 of Ordinance No. 44, approved March 28th, 1859, requires the Treasurer of the City Passenger Railway Association to pay under oath, quarterly, into the hands of the City Register, one-fifth of the gross receipts of said railway. The quarter expired the 28th of October, and payment has not been made, although the Register and City Counsellor have both written to the parties.

I desire instruction from your honorable body in regard to what further steps to take.

With the highest respect;

J^{NO}. A. THOMPSON, *Register*.

Mr. Bandel submitted the following resolution, which was read and adopted :

Resolved by the First Branch of the City Council of Baltimore, That the Comptroller be requested to inform this Branch, at his earliest convenience, during the annual session, what number of bailiffs are employed in the Criminal, Superior, Common Pleas, and Circuit Courts, respectively, the amount of their *per diem*, and whether the same is audited by the Courts for days when the Courts are not in session, and if so, has such always been the usage, and if not when did the custom commence ; and further if the amount of *per diem* has been increased of late years, when did the increase take place, and what was the amount so increased ; and further has any increase in the number of bailiffs been made within the last five years in any of the Courts, and if so, in what courts, and to what number.

Mr. Phelps offered the following resolution, which was read and adopted :

Resolved by the First Branch of the City Council of Baltimore, That the Comptroller of the City of Baltimore be and he is hereby directed to inform this Branch, forthwith, what amount of money has been paid over to the city by George H. Dutton, Sheriff, on account of all fines, penalties and forfeitures recovered within the contemplation of section 3 of article 40 of the Public General Laws ; also, what amount has been so paid on account of all fines adjudged by and accruing in the Criminal

Court of Baltimore, within the contemplation of section 232 of article 4 of Public Local Laws; also, what amount has been paid, as aforesaid, by said Sheriff on account of any and all other fines, penalties and forfeitures whatsoever.

Mr. Crout offered the following resolution, which was read and adopted :

Resolved by the First Branch of the City Council of Baltimore, That the Comptroller be requested to inform this Branch, at his earliest convenience, in the annual session, with the amount of fees paid the crier of the Criminal Court for the years 1857, 1858, 1859, and 1860, and what amount, if any, will be due said crier up to January 1, 1861.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and resolution :

The joint standing committee on Ways and Means to whom was referred so much of the Mayor's communication dated on the 19th inst., as relates to an appropriation to defray the expenses of the last two elections held in the city of Baltimore, have had the same under consideration and respectfully report the following resolution :

J. S. NICHOLAS,
H. W. DRAKELY,
E. WYATT BLANCHARD.

First Branch.

FRANCIS W. ALRICKS,
JAS. B. GEORGE,
D. H. MILLER.

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the sum of four thousand five hundred dollars or so much thereof as may be necessary, be and the same is hereby appropriated to pay the expenses of the late National and Municipal elections, the same to be disbursed under the direction of the Comptroller, and the amount to be provided for in the annual levy for 1861.

On motion of Mr. Nicholas, the rules were suspended, and the resolution was read a second time, and adopted.

The Second Branch returned the resolution directing the Comptroller to have gas introduced into the office of the Clerk of the Circuit Court, endorsed "concurred in."

An ordinance entitled "An ordinance to repeal ordinance No. 32, approved March 21, 1859, entitled 'An ordinance, supplementary to an ordinance relative to members and Clerks of the City Council, approved June 5, 1858, was received from the Second Branch and read.

On motion of Mr. Meyers, the rules were suspended, and the ordinance was read a second time—

Mr. Myers submitted the following additional section to the ordinance:

Section 2. And be it enacted and ordained, That no member of the City Council shall, during the time for which he was elected, be competent to make any contract, or contracts, directly or indirectly with the city in any work in which the corporation may have an interest.

Mr. Yeisley moved that the proposed amendment be laid upon the table, which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Staylor:

Yeas.—Messrs. President, Yeisley, Wolfe, Meyers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Phelps, Drakely, Allen, Chase, Dixon, Hay, Tegmeyer, and Crout—20.

Nays.—None.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, November 22, 1860.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that the enclosed memorials from Wm. Chesnut & Co., and others, and Beathy & Cole and others, praying the passage of an ordinance amendatory of the ordinance regulating the trade of gunpowder, be referred to a joint select committee, and name as said committee on the part of this Branch, Messrs. Miller, George and Robb.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Staylor, the proposition contained in the message was concurred in, and Messrs. Staylor, Thomas, and Blanchard were appointed as the committee on the part of this Branch.

The Second Branch returned the resolution distributing the Mayor's message, to appropriate committees, endorsed "concurrent in."

On motion of Mr. Meyers, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, November 23, 1860.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Chase presented the petition of J. Radcliffe, F. C. Crowley and others, asking to have flag stones placed at the southern extremity of Little Paca street, in a line with Conway street, which was read and referred to the joint standing committee on Highways.

On motion of Mr. Nicholas, a message was sent to the Second Branch, proposing, with their concurrence, that when the Council adjourns this evening it adjourn *sine die*.

Mr. Allen called up the preamble and resolutions relative to curtailing the expenses incurred by committees of the City Council, which were read.

Mr. Bolgiano moved that the preamble and resolutions be indefinitely postponed, which was decided in the negative by the following vote, the yeas and nays being required by Mr. Chase:

Yeas—Messrs. President, Yeisley, Meyers, Bouldin, Bandel, Bolgiano, Staylor, Blanchard, Phelps, and Tegmeyer—10.

Nays—Messrs. Wolfe, Thomas, Brown, Nicholas, Drakely, Allen, Chase, Dixon, Hay, and Crout—10.

On motion of Mr. Bolgiano, the resolutions were laid upon the table.

Mr. Nicholas, from the joint standing committee on the McDonogh Bequest, submitted the following report and ordinance:

The joint standing committee on the McDonogh Bequest, to whom was referred the memorial of the Agents of the City of Baltimore for the McDonogh estate, relative to the prosecution of certain land claims and the employment and compensation of counsel, have had the same under consideration, and respectfully report the accompanying ordinance:

J. S. NICHOLAS,
D. E. THOMAS,
CHAS. E. PHELPS,

First Branch.

JAS. B. GEORGE,
DECATUR H. MILLER,
WM. DEAN,

Second Branch.

An ordinance empowering the Agents of the City of Baltimore for the liquidation of the McDonogh Estate, to prosecute the claim of said estate for 227,853 acres of land in Louisiana, and to em-

ploy counsel and compensate them out of the proceeds of what may be recovered.

Be it enacted and ordained by the Mayor and City Council of Baltimore, That the Agents of the City of Baltimore for the receipt, administration, sale, and liquidation of the estate of the late John McDonogh, be and they are hereby authorized to enter into a contract with counsel, learned in law, for the prosecution of the city of Baltimore's right and claim under the will of said McDonogh in 227,853 acres of land in the Florida Parishes of Louisiana; and, after the recognition of said rights and claims, by actual confirmation, or satisfaction for said rights and claims, in such other form or manner as Congress may enact, the said Agents are hereby authorized to sell the said confirmed lands, or to dispose of whatever may be received as satisfaction of said rights and claims, and to pay one-half of the proceeds, after such sale or disposition, to the counsel employed to prosecute said rights and claims to a final decision; *provided always*, that said counsel shall, in his agreement with said Agents, bind himself to hold and save the City of Baltimore, as well as said Agents, and the interests of the City of Baltimore in any of the property or estate of the late John McDonogh, free from all demands, costs, charges, expenses, and outlay for the prosecution of said rights and claims incurred either in prosecuting the same before the Congress of the United States, or any department, or officer of the Government, or in any court, or in any manner, place or form whatsoever, except the one-half of the ultimate proceeds aforesaid, as full contingent compensation; it being the distinct understanding that no compensation shall be paid except on ultimate success, and that, in no event, whether successful or not, shall the City of Baltimore be liable for any expenses, costs, charges or outlay, nor shall any expenses, costs, charges or outlay be deducted from the proceeds of said lands, or what may be recovered in satisfaction of said claims; but the said counsel shall pay the same.

On motion of Mr. Nicholas, the rules were suspended, and the ordinance was read a second time and passed.

Mr. Bandel submitted the following resolution, which was read and adopted:

Resolved by the First Branch of the City Council, That the Comptroller furnish this Branch at the annual session, with a statement of the amount of money expended by the Port Warden for tar and oil during the years 1857, 1858, 1859, and 1860, specifying the date of purchase, and the price paid for the article.

Mr. Bandel submitted the following resolution, which was read and adopted:

Resolved by the First Branch of the City Council, That the Comptroller furnish this Branch at the annual session, with a statement of the amount of money paid by him to Milton Whitney, Esq., State's Attorney for Baltimore city, as fees of office from the September term, 1855, of the Criminal Court to the September term, 1857, specifying the amount paid for each term of the Court for said period.

Mr. Nicholas submitted the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the preamble and resolution entitled "Resolution in reference to underground drainage," approved September 26, 1859, be and the same is hereby repealed.

On motion of Mr. Nicholas, the rules were suspended, and the resolution was read a second time, and adopted.

Mr. Staylor called up the ordinance entitled "An ordinance to repeal ordinance No. 32, approved March 21, 1859, entitled 'An ordinance supplementary to an ordinance entitled an ordinance relative to members and Clerks of the City Council,' approved June 5, 1858."

On motion of Mr. Meyers, the ordinance was laid upon the table.

The following message was received from the Second Branch and read:

IN SECOND BRANCH,
Baltimore, November, 23, 1860.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition, that when the Council adjourns this afternoon it adjourn *sine die*.

By order,
ALLEN E. FORRESTER, *Clerk*.

The Second Branch returned the resolution adverse to the petition of John Howard; the resolution in favor of Moses Richardson; the resolution appropriating \$4,500 to defray the ex-

penses of the late municipal and national elections ; the resolution to place flag stones across East Lombard street, at its intersection with Wolfe and Chapel streets ; the resolution discharging the committee of Ways and Means from the further consideration of so much of the Mayor's message as relates to the per diem of the return judges of the election ; the resolution adverse to the petition of John Schreuber ; the resolution in favor of C. Schiller ; the resolution in favor of James Dougherty, and the resolution repealing the preamble and resolution entitled "Resolution in reference to underground drainage," approved September 26, 1859, respectively endorsed "concurred in," and the ordinance entitled "An ordinance empowering the Agents of the City of Baltimore for the liquidation of the McDonogh Estate, to prosecute the claim of said estate for 227,853 acres of land in Louisiana, and to employ counsel and compensate them out of the proceeds of what may be recovered," endorsed "passed.

A resolution empowering the joint standing committee on the Alms-House to send for persons and papers to enable them to investigate more fully all matters connected with the building of the new Alms House, was received from the Second Branch and read.

On motion of Mr. Staylor, the rules were suspended, and the resolution was read a second time, and concurred in.

A resolution granting permission to Kimball & Shaffer to construct a railway switch at the intersection of Canton and Central avenues, was received from the Second Branch and read.

On motion of Mr. Staylor, the rules were suspended, and the resolution was read a second time, and concurred in.

A resolution in favor of Mrs. Ann Harvey, was received from the Second Branch and read.

On motion of Mr. Staylor, the rules were suspended, and the resolution was read a second time, and concurred in.

Mr. Phelps submitted the following resolution, which was read :

Resolved by both Branches of the City Council, That when the Council adjourns *sine die* this evening, all unfinished business remaining in the hands of the various joint standing, joint

select, and joint special committees, shall be reported upon by them at the annual session of 1861, and that all unfinished business lying upon the table of either Branch at the adjournment of the Council on this evening, shall be taken up and disposed of at the annual session aforesaid.

On motion of Mr. Phelps, the rules were suspended, and the resolution was read a second time, and adopted.

The above resolution was returned from the Second Branch endorsed "concurred in."

Mr. Blanchard submitted the following resolution, which was read and adopted :

Resolved by the First Branch of the City Council, That the doorkeeper be directed to take charge of the Chamber during the time intervening between the adjournment, this evening, and the meeting in annual session in January, and that he be allowed one dollar per diem for the same, and that the Clerk return him upon the pay roll accordingly.

The following message was received from the Second Branch and read :

IN SECOND BRANCH,

Baltimore, November 23, 1860.

Gentlemen of the First Branch :

We respectfully propose, with your concurrence, the appointment of a joint select committee to wait upon the Mayor to inform him that the Council is about to adjourn *sine die*, and ascertain whether he has any further communication to make at this time. We have appointed Messrs. Alricks, Dean, and Marden as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Staylor, the proposition contained in the message was concurred in, and the President named Messrs. Staylor, Blanchard, and Crout as the committee on the part of this Branch.

The committee returned after a brief absence, and through their chairman informed the Branch that the Mayor had no further communication to make.

On motion of Mr. Phelps, the Branch adjourned *sine die*.

By order,

J. SHAAFF STOCKETT, *Clerk*.

The following ordinance and resolutions were this day presented to the Mayor :

An ordinance empowering the Agents of the City of Baltimore for the liquidation of the McDonogh Estate to prosecute the claim of said estate for 227,853 acres of land in Louisiana, and to employ counsel and compensate them out of the proceeds of what may be recovered.

Resolution to repeal a resolution entitled "Resolution in reference to underground drainage," approved September 26, 1859.

Resolution to introduce gas into the office of the Clerk of the City Circuit Court.

Resolution in favor of James Dougherty.

Resolution authorizing the City Commissioner to have flag stones placed across East Lombard street, at its intersection with Wolfe and Chapel streets.

Resolution in favor of C. Schiller

Resolution appropriating \$4,500 to defray the expenses of the late national and municipal elections.

Resolution allowing the contractors for the erection of the new United States Court House to retain in use a shed erected by them on North street.

Resolution in favor of Moses Richardson

JOURNAL.

Monday, January 7th, 1861.

FIRST BRANCH.

This being the day designated for the commencement of the annual session of the City Council by the Code of Public Local Laws relating to the city of Baltimore, the members of the First Branch assembled in their chamber at 3 o'clock P. M.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

On motion of Mr. Staylor, a message was sent to the Second Branch, proposing, with their concurrence, the appointment of a joint special committee to wait upon the Mayor and inform him that the Council is organized and now in session, and is ready to receive any communication which he may have to make.

The President appointed Messrs. Staylor, Blanchard, and Bandel, the committee on the part of this Branch.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, January 7, 1861.

Gentlemen of the First Branch :

We respectfully inform you that we have concurred in your proposition for the appointment of a joint special committee to wait upon the Mayor and inform him of the organization of the Council, and its readiness to receive any communication he may have to make. Messrs. Swindell, Higgins, and Dean have been appointed as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk*.

Mr. Staylor, on behalf of the joint special committee appointed to wait upon the Mayor, reported that the committee had performed that duty, and that the Mayor would send in a communication in a few minutes.

The following communication was received from the Mayor at the hands of his Secretary :

MAYOR'S OFFICE—CITY HALL,
Baltimore, January 7, 1861.

*To the Honorable the Members of the First
and Second Branches of the City Council :*

GENTLEMEN :—

The new code of the State requires the annual session of the City Council to commence on the first Monday of January, instead of the third Monday as previously provided by law, and as the statements from the different departments of the city government, in relation to the business and operations of the year are

not made out until after the first day of January, I have found it impossible fully to prepare the report of "the general state of the city with an accurate account of the money received and expended," which I am by law required to make to your Honorable Body during the first five days of your session.

For many details which could not conveniently be embraced within the limits of this communication I refer to the documents accompanying it.

The total amount received for taxes for city purposes by the Collector during the year is one million two hundred and fifty-eight thousand four hundred and fifteen dollars and twenty-one cents, a sum exceeding the receipts of the previous year by one hundred and seventy-one thousand four hundred and ninety-four dollars and thirty cents.

Of the levy of 1859, one hundred and one thousand eight hundred and two dollars and twenty cents remain due, more than one-half being on personal property, out of which a large amount will be lost to the city in consequence of changes of residence and insolvencies.

Of the levy of 1858 there remain uncollected one hundred and twenty-five thousand five hundred and seventy-three dollars and seventy cents, of which the tax on real estate amounts only to twelve thousand three hundred and sixty-nine dollars and ninety-two cents, the rest being on stock and furniture, judgments, mortgages, and vessels. These facts show the necessity of a prompt collection of the tax on personal property.

I therefore recommend the passage of an ordinance separating the tax on real estate from all other taxes, and requiring the latter to be paid within five months from the levy, but allowing a discount of ten per cent. on such taxes, if paid within one month, of eight per cent. if paid within two months, of six per cent. if paid within three months, of four per cent. if paid within four months, and two per cent. if paid within five months.

The taxes on real estate may continue payable as at present.

The amount of property on which the levy for 1861 can be made, including property outside of direct taxation, is estimated by the Appeal Tax Court at \$139,000,000.

There were assessed during the year new buildings and improvements to the amount of \$1,310,300.

The basis of taxation would be increased if all those who are actually residents of the city could be taxed as such, but not a few of our wealthiest inhabitants who reside for the greater part of the year in town and here transact their business, by claiming residence in the county, where they occupy country-seats during the warm weather, withdraw their stocks and other personal property from taxation by the city. In New York, Boston, and other cities, this evil has been remedied by legislation, and application should be made to the next Legislature for a law on the subject.

The Register has not yet received the reports of the various departments, which could not be prepared until the close of the past year, and sufficient time since then has not elapsed to enable the different officers to complete them. As soon as practicable, a full and complete statement of the finances of the city will be furnished to your Honorable Body.

The whole assessment for opening Holliday Street is \$262,-623.30, of which the assessment on the city is \$100,545.19.

The amount thus imposed on the city is so large, and so far above the benefits which it could derive from any enhancement in value of its property, that I recommend a repeal of the ordinance which provides for opening the street, provided it be not too late to do so. I submit herewith the opinion of the City Counsellor, that the ordinance may be repealed in the discretion of the City Council, without subjecting the city to a claim for damages.

Several departments of the city government may, I think, be reorganized or abolished with advantage to the public service.

I advise that the offices of City Commissioner and assistant City Commissioner be abolished, and that the city be divided into three departments, with a Commissioner for each, the three to constitute a Board. This plan closely resembles the old system, which continued in force until the present one was adopted. This branch of the city government has large powers which could be exercised more satisfactorily and advantageously by a Board than by a single individual, with an assistant, who is a subordinate officer.

I recommend that the Board of Commissioners for Opening

Streets be abolished, and that their duties be confided to the Appeal Tax Court, which is peculiarly fitted to discharge them by reason of the intimate acquaintance of the Judges of that Court with the value of property in the city. The Board receive a per diem which is charged as part of the cost of every proceeding. It is an objectionable feature in any system that the pay of officers should be made to depend on the number of days which they may choose to devote to the business confided to them. But the Judges of the Appeal Tax Court receive a fixed salary, and could perform the offices of Street Commissioners without neglecting their own duties.

I think it would be for the interest of the city to provide by contracts, to be awarded by the Mayor, Register, and Comptroller, for cleaning the streets, removing garbage, and for cleaning the lamps and furnishing oil for those in which it is still used. The lamps might be lighted and extinguished by the police. By this arrangement considerable expense would be saved, while the city would be better served, and the patronage incident to the Mayor's office would be diminished by dispensing with a large number of city officers. The contracts should be for short periods and should be awarded to the lowest responsible bidder, who should be required to give security, and a portion of the contract price might be reserved until the completion of the contract. The Mayor, Register and Comptroller should be empowered to rescind any contract on its violation by the contractor.

I urge on your Honorable Body the importance of building a vault for the safe keeping of the books in the Collector's office, the absolute necessity for which is shown in the report of the Collector

The Mayor and City Council are expressly authorised to "pass ordinances to establish and regulate inspections within the city." Under this provision, an ordinance might be passed, establishing and regulating the inspection of gas in such a manner as to be perfectly fair to the Gas Company, and at the same time satisfactory to the community

The almost entire dependence of the citizens and the City Corporation on the use of gas for artificial light, renders it highly proper that the quality of the article and the measure-

ment of the supply, should not be under the exclusive control of the private corporation by which the gas is manufactured and furnished.

No subject of local interest is more important to the citizens of Baltimore than the City Passenger Railroad, the origin and history of which are too fresh in the memories of all to require here an extended notice. By ordinance approved on the 30th of March, 1859, authority to construct a City Passenger Railroad was given to Wm. H. Travers and others, and on the 2d of April following, the grantees assigned by deed their entire rights and interests under said ordinance to Lawrence Johnson, Conrad S. Grove, Robert F. Taylor, John Ely, and Jonathan Brock—all residents of Pennsylvania. Under color of the authority thus conferred, a railroad has been constructed through various streets of the city, on which numerous passenger cars have been placed, and the road is, and has been for many months, in successful operation. It has become a matter of the first necessity to the people; but by whom it is managed, what is the amount of the profits derived from it, and by whom those profits are shared, are kept profoundly secret. The whole enterprise is in the hands of a private partnership, composed of individuals who for the most part are unknown to the city authorities, and over whom they have no adequate control.

This state of things was certainly not contemplated by the City Council when it passed the ordinance which, from the beginning, has been flagrantly violated.

By the 7th section a book was required to be opened by the association, within ninety days from the approval of the ordinance, for the purpose of receiving subscriptions to the capital stock of the railroad; said book was to be kept open for five days, and notice of the time and place of opening the book was to be given in all the daily papers for ten days previous thereto, and in the event of more stock being subscribed for than the company was authorized to issue, the same was to be divided *pro rata* to each subscriber.

The original grantees, after all their rights had been actually assigned, made an attempt to open a book and take subscriptions to stock; but this entire proceeding was repudiated by the as-

signees, who, together with other persons whom they associated with themselves, built, and now carry on the road for their own exclusive benefit with the exception only of the fifth part of the gross proceeds, which, by the ordinance, is reserved to the city. Thus the property in the road which was to be distributed among all those who chose to subscribe for stock, has been appropriated by a few individuals for their private advantage.

In other particulars, the ordinance has been and still is disregarded and set at nought. The route from the western limits of the city on Baltimore street was to be completed within one year, but it remains still unfinished to the western boundary line, and the cars have not generally run on that line even to the extent to which the road has been completed.

The route on Fayette or Lombard street, or both, as far as said streets may be graded or paved, is required to be completed within two years at farthest but this route has not yet been commenced, and there is no probability that it will be finished within the stipulated time, which will expire on the 30th of next March—indeed, it could not be commenced at this season of the year.

The route from the northern limits of the city on Charles street to Read, thence to Calvert, thence along Calvert to Lexington, thence to North, thence to Exchange place, thence along Lombard to Exeter, thence to Bank, thence to Ann, thence to Alice Anna, thence to Winsor, thence to Essex, thence along Essex and Burk to Lancaster, thence to Chesapeake, thence to Elliott, thence along Elliott street to the eastern limits of the city at Canton, was to be completed within one year. But the portion of the route from the northern limits on Charles street to Alice Anna street has not yet been commenced, and the other portion of the route from Alice Anna street to the eastern limits of the city at Canton was completed in May last, but not used by the cars until October following.

The route from Hanover to Sharp street, south to Ferry Bar, was to be completed in one year, but was not commenced until September last, and is not yet finished to the point required by the ordinance.

The route on Gay street to Baltimore Cemetery was completed and in operation two months after the expiration of the appointed time.

The 2nd section of the ordinance requires that the railway shall be built under the supervision of the City Commissioner and Joint Standing Committee on Highways. This provision has been disregarded.

The 3rd section provides that the guage of the road should be that of ordinary street carriages, in order to admit of the passage of such carriages upon the tramplate of said railway, but the tramplate of the road as constructed is so narrow that in many places a gutter is formed between the iron rail and the pavement, which is not only inconvenient, but very injurious to the wheels of vehicles.

Section 6th requires the cars to run at intervals of not more than ten minutes, up to twelve o'clock at night. This provision is not complied with.

Section 11th requires the association to keep the streets covered by the track and extending two feet on the outer limits on either side of the track in thorough repair at their own expense. This provision has been disregarded to the injury of the streets and inconvenience of the people.

By section 14 one-fifth of the gross receipts of the road is to be paid quarterly to the City Register, to be applied to the establishment and improvement of the city boundary avenue, and the purchase and improvement of public parks. These payments have not from the first been punctually made, and the quarter's interest due on the 28th of October is still in arrear. As the amount is received in cash by the association, there is no possible justification for its retention.

By the 5th section the sum of \$20 is to be paid annually upon each car running regularly on said railway, as license money therefor, to the City Register. This provision has not been fully complied with.

The important question arises as to the remedy which the city has for such grave violations of a very important contract. For some of them certain penalties are provided by the ordinance; but these, although considerable in amount, are inadequate to meet the case.

By the 15th section the parties are required to "give bond and security to the Mayor and City Comptroller, in the sum of one hundred thousand dollars, for the faithful performance of all the obligations and liabilities contained in the ordinance." Such a bond, with sureties believed to be sufficient, has been given, and damages to the full extent of the bond could probably be recovered.

But this remedy is also inadequate. The association have improperly obtained possession of a very valuable privilege, never designed for them, which must last for fifteen years; and unless within two years afterwards "the stock and interest of the association" are purchased by the city "for a fair and equitable consideration" the privilege will continue for fifteen years longer, and so on, upon the same terms, forever.

The infliction of fines to the full extent of the ordinance and recovery of damages on the bond should be resorted to, unless a more efficient remedy can be found.

The ordinance which was accepted by the grantees constitutes a contract between them and the city. The city has fully complied with its part of the obligation, but the grantees and their assigns have grossly violated theirs, while they continue in the enjoyment of valuable rights and privileges which they became possessed of only under the agreement, as set forth in the bond, for a "faithful performance of all the obligations and liabilities contained in the ordinance."

In my judgment, this is a proper case for the interference of a Court of Chancery. Such a tribunal could take possession of and place the road and all the cars and other property in the hands of a receiver; could set aside the contract, and by means of its equitable power, do full justice to the city and the association.

If the road should come into the possession of the city it could be successfully managed by a Board of Commissioners similar to the Boards which conduct the Fire Department and the Water Works, or it could be leased from time to time to the highest bidder, under proper guards and restrictions.

But while I recommend that stringent legal measures be adopted, I suggest that, in preference to engaging in expensive

litigation, an effort be first made to effect an equitable arrangement with the Association. In any such arrangement, it should be stipulated that the privilege should expire at the end of fifteen years, on the payment by the city for the rails, cars, and other property of the road, at their then value. The fare of five cents may be too high, but as the profits of the road are known only to those concerned in its management, I am unable to make any suggestion on this subject, except that, as the association applied to the Legislature to create a stock company for the road, with a capital of \$2,000,000, and to authorize a loan of a million of dollars besides, while the entire road, if completed, could hardly cost more than \$700,000, it is fair to presume that the profits are large. A committee of the City Councils, to whom the whole subject might be referred, could make the necessary investigation, in case any such arrangement should be contemplated. But I recommend that, whatever rate of fare be agreed on, the city shall continue to reserve to itself one-fifth of the gross proceeds. A large outlay has been made for the public parks, for which interest must be paid, and the improvement and support of so extensive a property will involve heavy and constant expense.

If the question were an open one, I should hesitate to recommend the purchase of parks, to be paid for and supported by such a system of taxation; but the purchases have been made, and the certificates of stock of the city which have been issued in payment, refer on their face to the ordinance providing for a public park or parks, which expressly pledges and sets apart for the payment of the interest the city's revenue derived and to be derived from the City Railroad. Moreover, the taxes for the year must necessarily be so high that no further increase could be made without inflicting much inconvenience and suffering on the people. The basis of taxation is not and cannot without further legislation by the State be made fair and equal, and by means of the indirect tax levied on the City Railroad, many persons are made to contribute to the expenses of the city who are perfectly able to do so, but who have no tangible property which can be reached by any direct assessment. For these reasons, I think that the city should continue to look to the City

Railroad as a source of revenue for the payment of interest due for the purchase of the parks and for their support.

I have considered the question as if the grant by the city to the City Passenger Railway Association were originally lawful ; but this is very doubtful, and the tenure by which the association hold possession of the streets, even if they had complied with their contract, might not be sustained by the Courts. In case any arrangement should be effected with the association, provision should be made for its ratification by the Legislature ; and if the road should come into possession of the city, power should be obtained from the same source to own and manage it, so that no difficulty may hereafter arise on this important subject.

The land purchased for Druid Hill Park embraces about 527 acres, and in every respect is admirably adapted for the purpose. With proper management on the part of the Commissioners, the city will soon possess a park unequalled in this country, and scarcely equalled in the world. While it will be a source of health and enjoyment to every class of the community its benefits will be chiefly experienced by the poor, who, without such a resource, would be confined during the whole year, to the limits of the town. But as a very large proportion of the population are compelled to labor constantly in some form or other for their support, and have but one day of rest in seven, it is obvious that the park will be of little value to the mass of the people, unless it is made accessible to them on Sunday. To effect this object, I recommend that the City Railroad be allowed to run on a portion of that day, during the proper season of the year. I believe that this permission will not lead to a neglect of the religious observance of the day, but that it will tend to improve both the health and morals of the people. In the cities of New York and Boston, the city railway cars run on Sunday, and are used by very many for the purpose of attending church, and in the former city they are thronged by those who visit the Central Park. Under the stringent laws of the State, which prohibit the sale of liquor on Sunday, the dangers which might result from a general resort to the Park on that day may easily be prevented.

Patterson Park will contain about thirty-six acres of ground, and will constitute a beautiful improvement.

No supply of water from the new works can be expected short of six weeks or two months from this date. The time being dependent on the fitness of the weather for the work yet to be done.

The area of the large lake at the commencement of the works is about one hundred and twenty acres, and will be covered with water to a depth of not less than ten feet, except about five acres, which will have a depth of from five to ten feet. The dam at the outlet of this lake cannot be finished until the spring, but in the meantime will serve all the requirements of the city in introducing water to the higher levels. The entire aqueduct leading from the dam to the Hampden Reservoir is in perfect and permanent condition.

The Hampden Reservoir is not quite completed, but will be finished before the pipe lines which connect with the city mains can be completed. Its capacity is fifty millions of gallons, and when full its water surface will be at an elevation of 217 feet above mid tide.

The new Mount Royal Reservoir will not be completed before next summer, and until this is accomplished the city cannot be entirely supplied from the new works, but must rely in part on the old Mount Royal Reservoir.

On the introduction of water from the new works Chase Reservoir will be dispensed with, and by next spring Chase street will be cut through from Charles street to St. Paul street.

Mr. Charles P. Manning, the Chief Engineer, says in his report: "From accurate gaugings of the flow of water at the site of the dam taken in the past summer during the last week of a protracted drought, it was ascertained that the average daily flow exceeded eleven millions of gallons, which is the least amount that the stream has been reduced to since I have been connected with these works, early in 1858. The quantity of water supplied by the present works and used by the citizens of Baltimore, is estimated not to exceed six millions of gallons daily; and it is also estimated that for some time after the completion of the works now under construction the use of water in city will not exceed 9 millions of gallons daily, which for a

population recently ascertained to be almost two hundred and twenty-five thousand, is an allowance of 40 gallons per day to each individual, therefore it is evident from the above named facts in relation to the source of supply that even in a very dry season, no fears need be entertained as to existing wants.

“As to future wants, when the population shall have doubled in number, and the daily consumption of water increased to eighteen millions of gallons; with the daily flow of Jones’ Falls reduced for sixty days to an average of ten millions of gallons only, even at the end of that period the entire storage of the lake and the two reservoirs would not be exhausted.”

The income from water rents has during the past year increased \$14,466. The supplies furnished have increased to the number of 1,516. The present works yielded the revenue of \$181,286 50, and without any additional supply of water through the new works it is estimated that the receipts of the departments after paying all expenses, are nearly sufficient to pay the interest on all the water stock issued up to this time.

The Board anticipate that the revenue from the new works in consequence of the increase of water-takers will enable the department to appropriate a considerable sum annually to reduce the debt incurred for the establishment of these works. The entire length of the mains extending through the city is one hundred and twenty-seven miles. Ninety-five new fire plugs have been erected within the year.

The total expense incurred by the Board for the new works up to the present time is as follows:

Real estate, land damage, and water rights.....	\$216,567 21
Construction of new works.....	1,166,150 35
Distributing mains.....	218,546 00
Current expenses.....	4,224 67
	<hr/>
	\$1,605,488 23

Of this sum \$1,499,675 58 have been paid, leaving \$105,812 68 due the contractors, a part on the 15th of January, and the balance when the contracts are completed.

In executing this great work it is believed that everything has been done with reference to utility and durability.

A site for a new Almshouse has been purchased in pursuance of an ordinance passed by the last City Council, and a Board of Commissioners, of which the Mayor is ex-officio chairman, was subsequently appointed to erect the building. Herring run passes through the eastern portion of the ground, which contains about one hundred and thirteen acres, and is situated four miles from the city, near the Philadelphia turnpike road.

The ground cost \$20,400. Contracts have been made for the erection of the building, which, when completed, will cost about \$165,098 18. After paying for the ground, the assets at the disposal of the Commissioners amount to \$151,618 46, consisting in part of bonds of Baltimore county, and in part of the portion of the old almshouse property belonging to the city, which remains unsold.

A good deal of work has been done in digging and laying the foundation and preparing portions of the carpenter's work for the new building—all in a satisfactory manner.

As doubts have been expressed in many quarters in relation to the healthfulness of the site, a joint committee of the City Council was at your recent session appointed to investigate the subject. In conformity with their request, and in pursuance of a resolution of the Board of Commissioners of the Almshouse, I appointed a committee of three physicians to examine the matter and make a report thereon. The gentlemen appointed are Prof. Nathan R. Smith, M. D., Charles H. Bradford, M. D., and Alexander C. Robinson, M. D., who have all consented to serve, and their report will no doubt conclusively settle the question.

The new Jail and the house for the Warden have been completed. The latter is well built and commodious.

The cost of both as reported by the Commissioners, including the award to Messrs. H. & J. Reynolds, amounts to \$302,074 18, but this does not include the judgment obtained by the latter against the city, from which an appeal has been taken. The jail contains three hundred cells, thus enabling the system of solitary confinement to be in great part carried out—a measure of much importance in such an institution, where the confinement is usually for so short a period that no injury can

result from a strict enforcement of solitude. The general design of the prison is excellent, the cells are spacious, and the building is well lighted and heated, and is constructed in such a manner that supervision over the whole range of corridors can easily be maintained from the large central hall. An important defect, however, prevails in the entire brick work of the interior, composing the walls of the cells, the mortar of which contains so insufficient a proportion of lime that it never can harden, and the walls may therefore be easily cut through with a sharp instrument. Nothing except constant vigilance can guard against such an occurrence, but even if a prisoner should succeed in escaping from his cell he would still be confined by the outer wall. The jail yard will be surrounded by a wall surmounted by a high iron railing, and now being constructed for the contract price of 14,200. An ordinance provides that the portion of the old jail yard which lies west of Buren street as recently extended shall be sold and the proceeds applied to the payment for said wall; but only a part of this property has been sold, and the money for the sale has not yet been realized, so that provision for the expense must be made by the city. It will also require \$2,500 to grade, pave and finish the jail yard, according to the estimate of the architects, Messrs. Thomas & J. M. Dixon. These amounts are in addition to the cost of the Jail as above stated. The appointment of a matron as an assistant to the warden to have charge of the female prisoners is very necessary, but this with other important reforms can be carried out by the visitors under the ample powers vested in them by the Legislature.

The Board of Commissioners of the new City Hall report that the lowest bid they obtained for constructing the whole building was \$648,693 58, while the ordinance appropriated for the purpose but \$500,000. Separate bids were made for all parts of the building except the marble work, and for this the estimate of the architect was taken, as no separate bid was made for it. The aggregate exceeded the amount of the appropriation. For this and other reasons no contract has been made by the Commissioners, and in the present condition of the affairs of the city, I recommend that the erection of a City Hall be postponed,

and that the ordinance creating the Board, and the supplement thereto, be repealed.

The Commissioners appointed to remove obstructions in the channel of the river, report that their operations for the year have been limited in consequence of their resources being confined exclusively to the auction duties, which for the last few years have amounted only to about \$14,000 per annum. About one hundred and seven thousand cubic yards have been excavated during the year, and it is believed that after the operations of another season, the new channel will be buoyed off through its entire length and available for a vessel drawing twenty-two feet.

The general health of the city during the past year has been excellent, but the City Council should not, on that account, fail to adopt and carry out measures of sanatory reform and improvement, which have been shown to be necessary by practical experience as well as scientific investigation, and I therefore ask your attention to the different recommendations contained in the report of the Board of Health. The natural formation of the ground on which the city is built renders it so well adapted to surface drainage, that an extensive system of underground sewerage is not only unnecessary, but would be positively deleterious as well as very expensive, and therefore neither the Board of Health nor the Commissioners on Sewerage, whose report is not yet completed, but will hereafter be submitted to you, recommend its adoption, while both agree that the sewers in existence are very imperfect, and are offensive and injurious to health.

The report of the Board of Health calls especial attention to that portion of the city which lies immediately north and east of the back basin. The ground there being level and very imperfectly drained, is almost always saturated with water, thus filling the cellars, endangering the health of the inhabitants, and requiring the closest watchfulness to prevent the occurrence of malignant fever after the heats of summer. And the report urges the necessity of paving, grading, and thoroughly draining that section—a measure which I have no doubt would not only improve the health of the inhabitants, but enhance the value of the property.

The importance of an accurate registration of deaths, and of the causes of death, is admitted by all, and I recommend the passage of the ordinance on this subject accompanying the report of the Board, which was prepared with much care, and after an examination of similar ordinances enacted in the other cities.

It appears from the report of the Fire Inspector that the number of fires during the past year was one hundred and thirty-three, being a decrease of forty-six as compared with the previous year. The number of incendiary fires during the same time was thirty-nine, being a decrease of thirty-eight as compared with the previous year.

The losses by fire during the year amounted to upwards of \$300,000, about one-half of which occurred at the late fire on Baltimore street. The Inspector thinks that this great loss was occasioned by the slight manner in which the walls of the Marston Building, in which the fire originated, were built; and that if they had been of proper thickness the damage would have been confined to that building, and the loss would have been less by \$100,000. He recommends the passage of an ordinance similar to laws in force in Philadelphia and New York, regulating the thickness of walls in buildings of such height. As the law now stands in Baltimore a building of any height may be erected with walls only four inches thick.

I addressed a communication to Mr. Charles T. Holloway, the Chief Engineer of the Fire Department, requesting him to state whether or not, in his judgment, there could be a reduction of expenses effected in the operation of the department without detriment to the interests of the city. To this he has fully replied in a communication which I herewith submit. He thinks that one of the companies may with safety be disbanded, and that the number of extra men of the Engine Companies might be reduced from nine to seven, and of the Hook and Ladder Companies from fourteen to twelve. These changes would reduce expenses to the amount of \$8,500. In these views, the Board of Fire Commissioners do not concur. I refer the whole matter to the consideration of your Honorable Body.

The Fire Department has, during the past year, given renewed evidence of its great utility and efficiency.

The Trustees of the McDonough Educational Fund Institute have, during the past year, received from the agents—

In cash.....	\$ 11,589.90
In notes paid May 5th, 1860.....	116.39
In notes due 5th May, 1860, unpaid.....	1,154.98
In notes, including interest, due in 1861.....	135,747.40
“ “ “ “ 1862.....	161,804.12
“ “ “ “ 1863.....	167,508.35
“ “ “ “ 1864.....	17,806.50
	<hr/>
	\$495,727.64

Beside the above the agents have retained in their hands, to await the decision of the Supreme Court in New Orleans, in a suit for \$50,000, and interest thereon since 1854, and for other expenses in cash..... 61,519.75
 And in notes maturing in 1861. 18,715.20

\$575,962.59

By the New Orleans newspapers it appears that the suit above referred to was decided in favor of New Orleans for \$37,500.

The general account of the joint interest of New Orleans and Baltimore, as it existed prior to the division between the two cities, has not been finally closed.

Now, that the suit of New Orleans against the city has been decided, the agents will probably be able to close the general account.

Mr. Emory, one of the agents, has a claim on the funds for \$4,199 37, or one half of one per cent. on the amount of sales to be paid to him, whenever the Mayor, the two Presidents of the City Council, and the President of the Board of Trustees, shall examine the accounts of the agents and find them correct; this examination has been delayed until the agents obtain a copy of the general account from New Orleans.

The ordinance authorizing the sale of the McDonough estate, and appointing a Board of Trustees of the McDonough Fund and Educational Institute, authorized the investment of the funds in State or City stock; but a subsequent ordinance, passed in 1860, No. 67, appropriated these funds to the extent of \$500,000 to the building of a new City Hall, said sum to be secured by a mortgage on the ground and buildings. I have in another part of this communication recommended the repeal of this ordinance, and if that recommendation be adopted, it will leave the funds to be invested as directed by the previous ordinance.

The Institute, when in operation, will provide for the education of a class of boys who are greatly in need of instruction, being too poor to be able to attend the public schools, and not proper subjects for the House of Refuge.

The remains of Mr. McDonough have been brought to this city, and are now in the family vault of Mr. Brants Mayer. An appropriation of \$1,000 has been made by the two cities of Baltimore and New Orleans, for the proper interment of the remains, and for the erection of a suitable tomb. The agents propose that the tomb be erected on the premises to be selected for the new Institute.

The Commissioners of Public Schools report that the schools are in a more favorable and promising condition than they have ever been. Nearly twenty thousand children during the year participate in their advantages, more than one-half of whom receive instruction, together with the use of the necessary books, free of all charge whatsoever.

In the appropriations deemed necessary by the Commissioners, beyond those demanded for current expenses, that required for the building of the Central High School seems to be the most pressing. The last City Council appropriated for the purpose fifteen thousand dollars out of the levy of the past year; but that sum has not been expended, as the ordinance did not provide for payment of the whole work, and a difficulty hence arose in making a contract for the building. The lot has already been purchased and cleared, and the ground made ready for the foundations. Plans of the edifice have also been prepared. A large portion of the cost, estimated at \$40,000, may be returned by the sale of the property now occupied by the school. In the present condition of the Treasury, and in view of the threatening aspect of public affairs, I am unwilling, at present, to recommend any expenditure which is not absolutely necessary; but as soon as circumstances will at all justify the outlay, I advise that the necessary appropriation be made and that the building be commenced.

The average number of inmates of the House of Refuge during the year just closed, was 317; an average increase of 67 over the previous year. The whole number in the house on the 31st ult. was 323—boys, 286; girls, 37.

The total expenditure during the year was \$24,103.14; the receipts were \$24,600.14, thus leaving a balance of \$497.27, with, at the same time, a suspended debt of \$1,526.20, and an actual deficiency of \$1,028.93.

To meet the necessary expenses of the current year, the Institution has nothing to rely on except the annual appropriation of \$10,000 from the State, payable quarterly. The city has appropriated annually a similar sum, but more will be necessary for this year, and this important charity should not be permitted to languish.

The financial management shows a gratifying result, the cost being but 20 8-10 cents per day for each child, including expenses of every descrip-

tion, less, it is said, than that of any similar establishment in the country.

The reformatory effect of the instruction and discipline is highly encouraging, as exhibited not only in the Institution but in the lives of the discharged inmates.

Through large individual donations, and chiefly by means of the generous aid received from the widow of the late Mr. George Brown, a capacious and well designed house for females, entirely separate from the main building, has been erected, and is nearly finished; but from want of funds the managers have been compelled to postpone its completion, which will require three or four thousand dollars.

The Board of Police, established by the act of the last General Assembly, organized on the sixth of last February, but their authority being denied and resisted by the city government, application was made to the Superior Court, by which, and subsequently by the Court of Appeals, the validity of the act was sustained on every point. In obedience to the latter decision, the former police force, with the station houses, arms, &c., passed under the control of the Board on the 21st of April last. On the 7th of May they revoked all the commissions previously given by the city authorities, and gave new appointments to the officers and men whom they had selected, but continued to exercise authority over the force according to law, making such changes as they deemed advisable until the 3d of October, when they publicly declared the organization of the Police Force to be complete.

By the introduction of the new system a marked improvement has taken place in the general good order of the city. The lawless and ruffianly element which had acquired a fearful control, is now held in complete subjection. The police contributed largely in making the recent elections remarkable for perfect fairness, order, and quiet. The most sanguine expectations of those who were instrumental in establishing a police force free from all influences of a party character have been more than realized. It is not to be supposed, however, that the system has reached the perfection of which it is capable, and the Board are engaged in maturing plans for its further improvement, some of which, as indicated in their report, will require an additional outlay, which must for the present be postponed.

The city has received from the Baltimore and Ohio Railroad dividends on its stock at the rate of 6 per cent., amounting to \$210,000, and interest for three years and six months on the stock dividend \$220,500, in addition to a stock dividend amounting to \$1,050,000.

Different opinions exist in the community on the question whether or

not the road is conducted with a proper regard to the welfare of the city of Baltimore. On this question I have neither formed nor expressed any opinion whatever, but it seems to me to be due to the President and Directors of the road, as well as to the citizens of Baltimore, that the subject should be thoroughly investigated by directors of the highest character for intelligence and impartiality, representing the interests of the city, whose report should be made to your Honorable Body.

The receipts of the Pittsburg and Connellsville Railroad Company exceeded the current expenditures by \$21,041.26, which amount, however, is shown by the accompanying letter from the President to have been absorbed by necessary improvements, and nothing, therefore, remains to be paid to the city for interest on the million loan.

Five additional miles of tract have been completed by the Western Maryland Railroad Company beyond Finksburg, in the direction of Emmitsburg, and in conformity with the ordinance, I have endorsed in behalf of the city, twenty-five thousand dollars of the bonds of said Company, making \$100,000 of bonds endorsed up to this time.

The political troubles which now convulse the country have diminished the value of all descriptions of property, and seriously interfered with every kind of business. While this state of things continues, Baltimore must bear her share of the common suffering, but it is not within the province of the Mayor to make suggestions in reference to proposed measures bearing on questions of national importance, about which there exists in the community a wide difference of opinion. The authorities of the city can, however, do something by a careful management of the finances and a firm and impartial administration of the laws, to avert from their fellow-citizens some of the many evil consequences which always follow in the train of political convulsions, and for the accomplishment of this object I hope that their services will, at all times, be faithfully rendered to the full extent of their ability.

Very respectfully,

GEO. WM. BROWN, *Mayor*.

On motion of Mr. Staylor the various documents accompanying the Mayor's message were ordered to be printed.

On motion of Mr. Bandel a message was sent to the Second Branch, proposing, with their concurrence, the appointment of a joint special committee to distribute the various subjects embraced in the Mayor's message to appropriate committees.

The President appointed Messrs. Bandel, Blanchard and Bouldin the committee on the part of this Branch.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, January 7, 1861.

Gentlemen of the First Branch :

We respectfully propose, with your concurrence, that the hour of five o'clock, P. M., be fixed as the hour for the daily meeting of the City Council during the present session.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Staylor the proposition contained in the message was concurred in.

Mr. Crout presented the petition of Charles Myers, asking to have certain money paid by him into the City Treasury for the removal of a fire plug, refunded, which was read and referred to the joint standing committee on Claims.

Mr. Staylor gave notice of his intention to apply for leave to introduce a supplement to revised ordinance No. 33, entitled "An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances."

On motion of Mr. Bandel the clerk was instructed to furnish the reporters of the several newspapers with the necessary stationery required in reporting the proceedings of the Branch.

The President laid before the Branch the following communication from the Warden of the Jail, which was referred to the joint standing committee on Police and Jail :

BALTIMORE CITY JAIL,
January 7, 1861.

*To the Honorable the Mayor and
City Council of Baltimore.*

GENTLEMEN :

You will perceive by the morning papers, that the honorable Grand Jury for the present term have made an unfavorable report of the management of our Institution, in respect to cleanliness and condition of business under our charge. I would most respectfully urge upon you, gentlemen, the appointment of a committee of investigation at the earliest day, in order that the statements made by said judicial body shall have a rigid scrutiny as to the existence of evils complained

of; and being fully satisfied that your honorable body will find that no evil did at any time exist that could have been remedied or prevented by myself and officers, with the facilities afforded, I earnestly hope that you may accede to my request.

Your humble servant,

THOMAS C. JAMES,

Warden of Baltimore City Jail.

The president laid before the Branch the following communication from the City Commissioner, which was referred to the joint standing committee on Highways:

CITY COMMISSIONER'S OFFICE,

Baltimore, December 4, 1860.

To the Hon. GEO. WM. BROWN,

Mayor of the City of Baltimore:

SIR: The laying of the track of the City Passenger Railway Company in South Baltimore not having been done in a proper manner, and in its present condition being contrary to the ordinances of the Mayor and City Council of Baltimore, and hence unsatisfactory to me, I sent a notice, of which the enclosed is a copy, to the President and Directors of said company.

They have failed to comply with the same, and I respectfully submit the matter to you.

Truly yours, &c.,

H. J. BAYLEY, *City Commissioner.*

CITY COMMISSIONER'S OFFICE,

Baltimore, October 29, 1860.

To the President and Directors and Supervisors

of the City Passenger Railway Company:

GENTLEMEN: The manner in which your contractor has been performing his work in the construction of the Baltimore City Passenger Railroad on Hanover, Sharp, Montgomery and Light streets does not meet my approval. I consider the work has been very improperly done, and does not comply with the ordinances of the Mayor and City Council; hence the same cannot meet with my approval.

Respectfully yours, &c.,

H. J. BAYLEY, *City Commissioner.*

The President presented a communication from the Executive Committee of the Law Greys, inviting the members of the Branch to attend their Ball and Zouave drill this evening.

On motion of Mr. Bouldin the invitation was accepted.

Mr. Blanchard offered the following resolution, which was read and adopted:

Resolved, That the Clerk of this Branch be and he is hereby directed to obtain from the files of the Branch in the office of the City Register, the petition of the widow and heirs of James Smith, presented at the late annual session of the Council, praying the payment of damages for injury done their property, lying in the bed of Hoffman street; and that said petition be referred to the Joint Committee on Claims.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, January 7, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition for the appointment of a joint select committee to distribute the contents of the Mayor's communication to the appropriate committees, and have appointed Messrs. Robb, Marden, and George as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Bandel the Branch adjourned until to-morrow afternoon at 5 o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, January 8th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

The President laid before the Branch the report of the Commissioners on Sewerage and Drainage, the annual report of the Superintendent of the Police and Fire Alarm Telegraph, and the annual report of the Board of Fire Commissioners, which were severally read and ordered to be printed.

Mr. Meyers offered the following resolution, which was read:

Resolved, That the clerk of the First Branch of the City Council be instructed to obtain from the archives of the corporation the petition of James T. Randolph and others, presented at the annual session of 1860, and referred to the Committee on the Fire Department.

On motion of Mr. Meyers, the resolution was read a second time by special order and adopted.

Mr. Bandel, from the joint special committee to distribute the Mayor's message to the appropriate committees, submitted the following report and resolution, which were read:

The joint special committee to whom was referred the Mayor's communication and the accompanying documents, for the purpose of distributing to the appropriate committees the various subjects therein contained, have carefully considered the same, and respectfully submit the following resolution:

GEO. S. BANDEL,

E. WYATT BLANCHARD,

OWEN BOULDIN,

First Branch.

JAS. B. GEORGE,

JOSEPH ROBB,

JESSE MARDEN,

Second Branch.

Resolved by both Branches of the City Council, That so much of the Mayor's communication as relates to the financial condition of the city,—the collection of taxes—the abolishing the Board of Commissioners for Opening Streets, and devolving their duties upon the Appeal Tax Court—the Baltimore and Ohio and other railroads—the recommendation to separate the tax on real estate from all other taxes, and all other subjects embraced in the monetary affairs of the corporation, be referred to the joint standing committee on Ways and Means.

So much as relates to the repeal of the ordinance for the widening and extension of Holliday street, and so much as relates to a change in the City Commissioner's department, to the joint standing committee on Highways.

So much as relates to the cleaning of the streets and the removal of garbage by contract—so much as relates to the health of the city and the condition of the sewers—and so much as relates to the registration of deaths and the causes of death, to the joint standing committee on Health.

So much as relates to the cleaning of the city lamps and furnishing oil for the same, and the lighting thereof by the policemen—so much as relates to the inspection of illuminating gas—so much as relates to the Board of Police and the Police Department—and so much as relates to the new jail, to the joint standing committee on Police and Jail.

So much as relates to the Passenger Railway Association, to a joint select committee.

So much as relates to Druid Hill and Patterson Parks ; so much as relates to the new City Hall, and so much as relates to the building of a vault for the safe keeping of the books in the office of the City Collector, to the joint standing committee on City Property.

So much as relates to the new Water Works to the joint standing committee on Water.

So much as relates to the new Almshouse to the joint standing committee on the Almshouse.

So much as relates to River and Harbor, to the joint standing committee on the Harbor.

So much as relates to the Fire Department, and the recommendations of the Fire Inspector and Chief Engineer, to the joint standing committee on the Fire Department.

So much as relates to the McDonogh Educational Fund and Institute and the McDonogh Bequest to the joint standing committee on the McDonogh Bequest.

So much as relates to the Public Schools to the joint standing committee on Education.

So much as relates to the House of Refuge to the joint standing committee on the House of Refuge.

On motion of Mr. Bandel, the resolution was read a second time by special order and adopted.

Mr. Yeisley offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be, and he is hereby authorized and directed, to have flagstones placed across Chester street, midway between Gough and Bank streets, as soon as practicable ; and the same to be paid for out of any money in the treasury not otherwise appropriated.

On motion of Mr. Yeisley, the resolution was read a second time by special order and adopted.

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, January 9th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Staylor presented the petition of John O'Brien, asking leave to have erected frame sheds in the rear of certain brick dwellings on Madison street, between Caroline and Dallas

streets, which was referred to the joint standing committee on the Fire Department.

Mr. Dixon presented the petition of Aloes Raumft, claiming damages for the destruction of his bar fixtures, furniture, &c., by a mob on the day of election, being the 2nd November, 1859, which was referred to the joint standing committee on Claims.

Mr. Hay presented the petition of Henry E. Huber, asking to be allowed to place a swinging sign in front of his printing office, No. 6 N. Charles street, which was referred to the joint standing committee on Police and Jail.

Mr. Dixon presented the petition of Thomas J. Hand & Co., asking permission to erect a frame shed on their premises at Locust Point, which was referred to the joint standing committee on the Fire Department.

The President laid before the Branch a communication from Allen E. Forrester, clerk of the Second Branch, in reference to a manual for conducting business in the City Council of Baltimore, prepared by him, and submitted for the examination of the Branch, and asking from them such action in reference to the same as they might deem appropriate. On motion the communication was referred to the joint standing committee on Claims.

The President laid before the Branch the following communication from the Mayor and accompanying documents :

MAYOR'S OFFICE—CITY HALL,

Baltimore, January 9, 1861.

To the Honorable the Members of the First

and Second Branches of the City Council :

GENTLEMEN :

I transmit herewith a communication from a committee appointed by the Board of Managers of the House of Refuge, asking for an appropriation for that institution; also, one from the City Commissioner in relation to providing for the indexing of the streets, lanes, and alleys of the city, both of which are respectfully submitted for your consideration.

Respectfully,

GEO. WM. BROWN, *Mayor*.

To the Honorable the Mayor and

City Council of Baltimore:

GENTLEMEN :

Without entering upon any details at present in regard to the general operations of the House of Refuge, its Board of Managers would now respectfully represent,

That, on the first day of January, they had under care 326 inmates, of whom 286 were boys and 37 girls; and that the average number for the year just past was 317, an increase of 67 over the average of the year 1859. The cost *per capita* for the support of these children was only 20^s/₁₀ cents per day, including in this sum, expenditures of all kinds; salaries of officers, food, clothing, schools, fuel, light, permanent improvement, &c., &c. This, we can give the assurance, is less than the cost of maintenance and care-keeping in any similar institution in the country.

The statement of the Treasurer of the Board shows, that the amount of receipts during the past year was \$24,600 41, while the expenditures were \$24,103 14. The small balance remaining (\$497 27) and the State's appropriation of \$10,000, (the first quarterly instalment of which is not available until March,) constitute all the resources on which the Board for the present have to rely, thus leaving a deficiency of at least \$14,000 'on the basis of the average number of inmates in 1860. But to meet a suspended debt of some \$1,500 and with a small margin for contingencies, the sum of \$16,000 will be certainly required, in addition to the State's appropriation as above given; and in this sum it must especially be borne in mind that no calculation is made for a most probable increase in the number of inmates, and it must be equally as well understood that without this appropriation the doors of the Refuge must necessarily be closed against the reception of any more children.

It would be out of place to indulge in any expression of self-gratulation in reference to the economy which has governed the Board in its expenditures still it may be permitted to refer with confidence to the figures here placed before your Honorable Body, as an evidence that any pecuniary means placed at our disposal will be managed with that frugal watchfulness which should ever control the administration of large public benevolent institutions.

Hitherto the Board have never failed in their applications for relief from the City Council. The approval so well bestowed upon the House of Refuge by your predecessors, it cannot be doubted will be extended with a like liberality by your Honorable Body. Asking then a due consideration of this

memorial, and a decision worthy of an enlightened public judgment.

In behalf of the Board,

We are most respectfully,

Yours, &c.,

CHARLES M. KEYSER,
C. D. SLINGLUFF, per J. J. G.,
TH. M. ABBETT,
B. A. VICKERS,
JOHN J. GRAVES,
GEORGE S. BROWN,

Committee.

Baltimore, January 8th, 1861.

CITY COMMISSIONER'S OFFICE,

Baltimore, January 9th, 1861.

To the President and Members of the

First Branch of the City Council:

GENTLEMEN :

I respectfully call your attention to the propriety, as set forth in my communication of the last year, to the employing of some competent person to make out an alphabetical list of all the streets, lanes, and alleys that have been deeded to the city; the length and width of each, and at what time they were so conveyed, deeming the same to be of the utmost importance to the city. I hope your Honorable Body will give the subject that attention it justly merits.

Respectfully yours,

H. J. BAYLY, *City Commissioner.*

On motion, the communication from the committee of the Managers of the House of Refuge was referred to the joint special committee on the House of Refuge.

On motion, the communication from the City Commissioner was referred to the joint standing committee on Highways.

Mr. Staylor offered the following resolution, which was read :

Resolved, by the Mayor and City Council of Baltimore, That the City Commissioner be, and he is hereby directed to have a double row of flagstones placed across Madison street,

directly in front of the house erected for the residence of the Warden of the Jail; the expense of the same to be provided for in the levy of 1861 for flag and stepping stones.

On motion of Mr. Staylor, the resolution was read a second time by special order, and adopted.

Mr. Staylor offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby directed to furnish to each member of the City Council one copy of the Maryland Code of Public Laws, for the use of the members.

On motion of Mr. Staylor, the resolution was read a second time by special order, and adopted by the following vote, the yeas and nays being required by Mr. Bandel :

Yeas—Messrs. President, Yeisley, Wolfe, Meyers, Boulden, Thomas, Staylor, Brown, Chase, Dixon, Hay, Tegmeyer, Crout—13.

Nays—Messrs. Bandel, Bolgiano, Nicholas, Phelps, Drakely, Allen—6.

The Second Branch returned the resolution authorizing the placing of flagstones across Chester street, midway between Gough and Bank streets ; and the resolution authorizing the reference of the various matters contained in the Mayor's communication to the appropriate committees, severally endorsed "concurred in."

Mr. Crout presented the petition of Lemuel Stewart and others, praying the passage of an ordinance to repeal the ordinance providing for the condemnation and opening of Carey street, which was referred to the joint standing committee on Highways.

Mr. Crout offered the following resolutions, which were read :

Resolved by the Mayor and City Council of Baltimore, That the Commissioners for Opening Streets be, and they are hereby directed to suspend action relative to the opening of Carey street, and delay the sale of property on or about the bed of said street, now advertised at public auction, to a more remote period.

Resolved further, That the said Commissioners be directed also to report to the Council the expenses already incurred relative to the said opening.

On motion of Mr. Crout, the resolutions were read a second time by special order.

Mr. Bolgiano moved to refer the resolutions to the joint standing committee on Highways, which was determined in the affirmative.

Mr. Bandel gave notice of his intention to ask leave to introduce an ordinance, entitled "An ordinance to provide for the inspection and sealing of gas metres in the city of Baltimore."

Mr. Staylor asked and obtained leave to introduce an ordinance, entitled "A supplement to revised ordinance No. 33, entitled 'An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances,' " which was read a first, and by special order a second time.

Mr. Bolgiano moved to refer the ordinance to the joint standing committee on the Fire Department, which was determined in the affirmative.

On motion of Mr. Boulden, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, January 10th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Meyers presented the petition of James T. Randolph relative to the erection and repairing of buildings as enforced by the Fire Inspector, which was referred to the joint standing committee on the Fire Department.

Mr. Phelps presented the petition of George L. Harrison and others, asking to have a lamp placed at the North corner of Lanvale street and Mason alley, and flagstones placed across said alley at its intersection with the N. W. side of Lanvale street, which was referred to the joint standing committee on Highways.

Mr. Bouldin presented the petition of the Rev. J. N. McJilton, asking for a certificate to the Governor of the State for the purpose of obtaining a warrant for the admission of Peter Duffy, aged ten years, a deaf mute, into the Pennsylvania Institution for the instruction of the deaf and dumb.

Mr. Bouldin thereupon offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That Peter Duffy, a deaf mute of the city of Baltimore, who is under twenty-one years of age, of sound mind and in indigent circumstances, be, and he is hereby recommended to the Governor of the State of Maryland, as a beneficiary under the New Code of Maryland, Article 33.

Mr. Bouldin moved a suspension of the rules to allow the resolution to be read a second time, which was determined in the negative, and the resolution was laid on the table.

The President presented an invitation to the Branch from the ladies of the Light Street Methodist E. Church, to attend a lecture to be delivered by the Hon. John Cochrane, of New York, on Monday evening next.

On motion of Mr. Thomas, the invitation was accepted.

Mr. Bandel offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the clerk of the Branch be requested to obtain from the files of the Register's office all the papers connected with, and the petition of Nicholas Popplein and others, for the repeal of the ordinance providing for the condemnation and opening of Johnson street, presented at the last annual session of the City Council.

On motion of Mr. Bandel, the resolution was read a second time by special order, and adopted.

Mr. Crout offered the following resolution, which was read :

Resolved by the First Branch of the City Council, That the clerk of this Branch be, and he is hereby directed to obtain from the files of the Branch, in the office of the City Register, the petition of Charles Myers, presented at the late annual session of the Council, asking for damage done to his property on Pennsylvania avenue.

On motion of Mr. Crout, the resolution was read a second time by special order, and adopted.

Mr. Staylor offered the following resolution, which was read :

Resolved by the First Branch of the City Council, That the clerk of this Branch be, and he is hereby requested to procure from the files of the City Register the petition of John Hulse and others, in relation to a sewer on Holliday street, presented May 30th, 1860.

On motion of Mr. Staylor, the resolution was read a second time by special order, and adopted.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Staylor moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Staylor and Phelps, who repaired to the chamber of the Second Branch, and returned accompanied by the President and members of the same. The two Branches resolved themselves into a con-

vention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber. The President then called the Branch to order.

Mr. Nicholas offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the City Register is hereby requested to inform this Branch as to the number and names of the streets, lanes, and alleys, reported to his office by the Commissioners for Opening Streets, as opened and condemned by them in the years 1857, 1858, 1859, and 1860, or since; with the expense incurred thereby, distinguishing between the expense in each case, of a street, lane, or alley as aforesaid; and specifying the number of days for which compensation has been allowed per diem in each case, to whom, and for what services.

On motion of Mr. Nicholas, the resolution was read a second time by special order, and adopted.

Mr. Nicholas offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the Commissioners for Opening Streets are hereby requested to report to this Branch the number and names of all streets, lanes, and alleys heretofore opened and condemned by them, or now in progress of being so opened, and not yet reported by them to the City Register, with the expenses incurred or which in their judgment will be incurred thereby, and specifying the number of days for which compensation has been or will be claimed or allowed in each case per diem, to what amount, to whom, and for what services.

On motion of Mr. Nicholas, the resolution was read a second time by special order, and adopted.

Mr. Staylor offered the following resolution, which was read :

Resolved by the First Branch of the City Council, That the joint committee on Highways be instructed to examine into the condition of Harford avenue, from its intersection with Aisquith street to the city limits, and report thereon to this Branch.

On motion of Mr. Staylor, the resolution was read a second time by special order, and adopted.

A report from the joint standing committee on the Fire Department, with a resolution authorizing Jacob Wilson to erect a frame building in his wood yard, on the north-west corner of Hughes and William streets, was received from the Second Branch.

On motion of Mr. Staylor, the resolution was read a second time by special order, and concurred in.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, January 10th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have appointed Messrs. Alricks, Dean, and Robb as the select committee on the part of this Branch on so much of the Mayor's communication as relates to the City Passenger Railways.

By order,

ALLEN E. FORRESTER, *Clerk.*

The President appointed Messrs. Blanchard, Meyers, and Tegmeyer as the select committee on the part of this Branch on so much of the Mayor's communication as relates to the City Passenger Railway.

Mr. Bouldin moved a reconsideration of the vote by which the communication from the City Commissioner in relation to the track of the City Passenger Railway was referred to the joint standing committee on Highways, which was determined in the affirmative.

Mr. Bouldin moved, as a substitute for the pending motion, that the communication be referred to the joint select committee on the City Passenger Railway, which was determined in the affirmative.

The motion as amended was adopted.

Mr. Staylor offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby authorized and directed to

have gas mains placed along the bed of Valley street, from Neighbor to Eager streets; the work to be done in accordance with the provisions of an ordinance passed at the annual session, 1859.

On motion of Mr. Dixon, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, January 11th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Bolgiano presented the petition of George W. Goforth and others, remonstrating against the running of the cars of the City Passenger Railway by the Hanover Market during market hours, which was referred to the joint standing committee on Markets.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, January 11th, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Crout, the proposition contained in the message was concurred in.

The Second Branch returned the resolution authorizing the placing of a double row of flag-stones across Madison street, in front of the residence of the Warden of the Jail, and the resolution directing the Comptroller to furnish each member of the City Council with a copy of the Maryland Code, severally endorsed "concurred in."

Mr. Dixon offered the following resolution, which was read :

Resolved by the First Branch of the City Council, That the Clerk of this Branch be, and he is hereby requested to procure from the files of the City Register, the petition of Aloes Raumft, claiming damages for the destruction of his property by a mob, and the papers accompanying the same.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Crout, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, January 14th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Crout presented the petition of Wm. Frush and others, remonstrating against the proposed width of Calhoun street, which was referred to the joint standing committee on Highways.

Mr. Blanchard presented the petition of Charles Gehrman, asking to have paid to him part of the proceeds of a certain negro, slave for a term of years, convicted of arson, and sold by the Warden of the Penitentiary, which was referred to the joint standing committee on Claims.

Mr. Brown presented the petition of Wm. H. Clabaugh and others, complaining of the fruit stand on the west side of Light street, at its intersection with Baltimore street, which was referred to the joint standing committee on Highways.

Mr. Nicholas offered the following resolution, which was read:

Resolved, That the clerk of this Branch be, and he is hereby authorized to withdraw from the office of the Register, the petition of Jonathan Meredith, for permission to widen the area in front of his dwelling house, No. 43 Franklin street, presented on the 22d of June, 1860, together with the report and resolution of the committee to which it was referred in this Branch.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas moved that the following message be sent to the Second Branch, which was determined in the affirmative:

IN FIRST BRANCH,
Baltimore, January 14, 1861.

Gentlemen of the Second Branch:

In the present state of the public business, we propose, with your concurrence, that when the City Council adjourns this evening, stands adjourned until Monday the 21st instant, at 5 o'clock P. M.

The first Monday in January when the present annual session of the City Council commenced was fixed by law, for that purpose, by the new Code, adopted by the Legislature at their last session. That day is adverted to by the Mayor in his recent annual message, as too early in the month to admit of his accompanying it with the reports of the different departments of the city government for the year; and the community not being yet accustomed to present their business so early, have made so far few applications upon any subject.

For these reasons, we consider the adjournment proposed, advisable.

Mr. Meyers presented the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the joint standing committee on City Property be requested to inquire into the practicability of laying a tax or toll on all riding horses or carriages of one and two horses passing into Druid Hill Park, and report to this Branch by ordinance or otherwise, as early as practicable.

On motion of Mr. Meyers, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and an accompanying ordinance, which were read:

The joint standing committee on the Fire Department, to whom was referred an ordinance entitled "A supplement to Revised Ordinance No. 33, entitled 'An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances,'" have had the same under consideration, and beg leave to report an accompanying ordinance with amendments:

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAMES B. GEORGE, Sr.,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch.

On motion of Mr. Staylor, the ordinance was read a second time, by special order.

Mr. Staylor moved to amend the ordinance by inserting immediately after the word "alcohol," in the sixth and eighth line, the following: "or any other inflammable liquid," which was determined in the affirmative.

Mr. Blanchard moved to further amend the ordinance by striking out the word "unless," in the thirteenth line, and inserting in lieu thereof the words "provided that," which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by inserting immediately after the word "obtained," in the fifteenth line, the following: "and the same to be deposited with the Mayor," which was determined in the affirmative.

Mr. Phelps moved to further amend the ordinance by striking out all after the word "business," in the twelfth line, which was determined in the affirmative.

Mr. Brown moved to further amend by inserting between the word "or" and the word "boilers," in the seventh line, the words "use of." Pending this motion, Mr. Bandel moved to lay the whole matter on the table, which was determined in the negative. Mr. Brown then, with the leave of the Branch, withdrew his proposed amendment.

The question recurring on the passage of the ordinance, as amended, it was passed.

The following communication was received from the City Register:

REGISTER'S OFFICE,

Baltimore, January 14, 1860.

To the President and Members of the

First Branch City Council:

GENTLEMEN:

In reply to your request furnished me on the 12th instant, as follows:

"Resolved by the First Branch of the City Council of Baltimore, That the City Register is hereby requested to inform this Branch as to the number and names of streets, lanes, and alleys reported to his office by the Commissioners for Opening Streets, as opened and condemned by them in the years 1857, 1858, 1859 and 1860, or since, with the expense incurred thereby, distinguishing between the expense in each case of a street, lane, or alley, as aforesaid; and specifying the number

of days for which compensation has been allowed, per diem in each case, to whom, and for what service"—

I respectfully state the number of streets, lanes, and alleys, reported in this office to be twenty-seven within the time designated; four have been appealed on, and the books of returns are either in the Criminal Court of Baltimore, or the Court of Appeals at Annapolis. Accompanying please find statement of names of streets and alleys opened or condemned to be opened, and dates at which they were received in the office; also, a copy of expenses for each and every street or alley, taken from the book of returns.

With the highest respect,

JNO. A. THOMPSON, *Register*.

STATEMENT OF STREETS AND ALLEYS OPENED, AND TIME AT WHICH RECEIVED IN REGISTER'S OFFICE.

Wilson Street.....	January 8, 1857
Covington Street.....	March 5, 1857
Republican Street.....	May 1, 1857
Chester Street.....	August 31, 1857
Hamilton Street	Sept. 20, 1857
Gilmer Street	Dec. 8, 1857
Grindell Street.....	Dec. 31, 1857
Republican Street.....	Feb. 11, 1858
Oregon Street.....	March 4, 1858
Ten Feet Alley, near Mott Street.....	March 18, 1858
Hanover Street.....	April 14, 1858
Townsend Street.....	May 14, 1858
Lanvale Street.....	June 12, 1858
Eighteen feet Alley.....	July 9, 1858
Pimlico Alley	Sept. 27, 1858
West Street.....	March, 29, 1859, (Appealed on)
McCabe Street.....	April 20, 1859
Callender Alley.....	May 4, 1859
Grove Street.....	June 7, 1859
Johnston Street.....	Oct. 27, 1859, (Appealed on)
Holliday Street.	December 10, 1859
Telegraph Street.....	March 7, 1860, (Appealed on)
Lanvale Street.....	March 19, 1860
Light Street	May 19, 1860
Preston Street.....	June 14, 1860, (Appealed on)
Boundin Alley.....	July 2, 1860
Fayette Street.....	Dec. 15, 1860

WILSON STREET.

N. T. Dushane, Commissioner	\$47 50
David Taylor, "	47 50
Nathaniel Hall, "	47 50
Charles H. Roberts, Clerk.....	47 50
Gilbert H. Bryson, Surveyor.....	93 16
American	9 50
Patriot.....	9 50
Clipper.....	9 50
American Democrat.....	3 25
Magistrates, for Stationery, Incidentals, &c., payable to N. Hall.....	10 00
	<hr/>
	\$324 91

COVINGTON STREET.

Nathan T. Dushane, Commissioner.....	\$152 50
David Taylor, do.	152 50
Nathaniel Hall, do.	152 50
Charles H. Roberts, Clerk	152 50
Gilbert H. Bryson, Surveyor.....	266 90
American.....	25 00
Patriot	25 00
Clipper	25 00
American Democrat.....	20 50
Adreon & Co., State Tax, payable to (C. H. Roberts,) Aucts...	150 16
Incidentals, Magistrate's Fees, &c.....	25 25
	<hr/>
	\$1,147 81

REPUBLICAN STREET.

Nathan T. Dushane, Commissioner.....	\$107 50
David Taylor, do.	107 50
Nathaniel Hall, do.	107 50
Charles H. Roberts, Clerk.....	107 50
Gilbert H. Bryson, Surveyor.....	179
Baltimore American.....	9 50
" Patriot.....	9 50
" Clipper.....	9 50
Incidentals, Fees, Rents, &c.....	24 80
	<hr/>
	662 50

CHESTER STREET.

N. T. Dushane, Commissioner.....	\$82 50
David Taylor, "	82 50
Nathaniel Hall, "	82 50

Charles H. Roberts, Clerk.....	\$82 50
Thomas P. Chiffelle, Surveyor.....	200 37
Advertising { American.....	19 22
{ Patriot.....	19 22
{ Clipper.....	19 22
Adreon & Co., Auctioneers.....	39 18
Magistrate's fees, Stationery and Expenses to order of N. Hall...	8 00
	<hr/>
	\$635 21

HAMILTON STREET.

Nathan T. Dushane, Commissioner.....	\$82 50
Joseph Holt, do.	82 50
John G. Hooper, do.	82 50
Philip T. Dawson, Clerk.....	82 50
Gilbert H. Bryson, Surveyor.....	72 32
Advertising.....	81 75
Stationery, Magistrate's Fees, &c.....	22 37
	<hr/>
	\$506 44

GILMORE STREET.

N. T. Dushane, Commissioner.....	\$197 50
Joseph Holt, "	197 50
John G. Hooper, "	197 50
Philip T. Dawson, Clerk.....	197 50
Gilbert H. Bryson, Surveyor.....	326 24
Advertising { Baltimore Patriot.....	6 50
{ " American.....	10 00
{ " Clipper.....	10 00
Stationery, Magistrate's Fees, &c., payable to P. T. Dawson...	47 49
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	\$1,190 23

GRINDELL STREET.

N. T. Dushane, Commissioner.....	\$57 50
Joseph Holt, "	57 50
John G. Hooper, "	57 50
Philip T. Dawson, Clerk.....	57 50
Gilbert H. Bryson, Surveyor	54 70
Bull & Tuttle.....	6 25
McJilton & Wills.....	6 25
Dobbin & Fulton.....	7 07
Stationery, Rent, Magistrate's Fees, &c.....	18 50
	<hr/>
	\$322 77

REPUBLICAN STREET.

Nathan T. Dushane, Commissioner.....	\$197 50
Joseph Holt, "	197 50
John G. Hooper, "	197 50
Philip T. Dawson, Clerk.....	197 50
Gilbert H. Bryson, Surveyor.....	275 68
Bull & Tuttle.....	9 25
McJilton & Wills	9 25
Dobbin & Fulton.....	9 25
Stationery, Rent, Magistrate's Fees, &c.....	45 30
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	\$1,138 73

· OREGON STREET.

Nathan T. Dushane, Commissioner,.....	\$195 00
Joseph Holt, "	195 00
John G. Hooper, "	195 00
Philip T. Dawson, Clerk.....	195 00
Gilbert H. Dawson, Surveyor.....	220 47
Bull & Tuttle.....	10 00
McJilton & Wills.....	10 00
Dobbin & Fulton.....	10 00
Stationery, Rent, Magistrate's Fees, &c.....	52 93
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	\$1,083 40

TEN FEET ALLEY, NEAR AISQUITH STREET.

Nathan T. Dushane, Commissioner.....	\$77 50
Joseph Holt, "	77 50
John G. Hooper, "	77 50
Philip T. Dawson, Clerk.....	77 50
Gilbert H. Bryson, Surveyor.....	80 30
Bull & Tuttle.....	10 00
Dobbin & Fulton	10 00
McJilton & Wills.....	10 00
Stationery, Magistrate's Fees, &c.....	34 29
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	\$454 59

HANOVER STREET.

Nathan T. Dushane, Commissioner.....	\$297 50
David Taylor, "	297 50
Nathaniel Hall, "	297 50
Charles F. Roberts, Clerk.....	297 50

Thomas P. Chiffelle, Surveyor.....	\$489 60
American—Advertising.....	15 85
Patriot “.....	15 85
Clipper “.....	15 85
Adreon & Co., Auets.....	31 57
Incidentals, Magistrate's Fees, &c.....	37 50

Paid Oct. 1858 and January 1859.....\$1,796 22

TOWNSEND STREET.

Nathan T. Dushane, Commissioner.....	\$230 00
Joseph Holt, “.....	230 00
John G. Hooper, “.....	230 00
Philip T. Dawson, Clerk.....	230 00
Gilbert H. Bryson, Surveyor.....	530 52
Bull & Tuttle.....	10 00
McJilton & Wills.....	10 00
Dobbin & Fulton.....	10 00
Stationery, Rent, Magistrate's Fees, &c.....	45 17

\$1,525 69

LANVALE STREET.

Nathan T. Dushane, Commisioner.....	\$215 00
Joseph Holt, “.....	215 00
John G. Hooper, “.....	215 00
Philip T. Dawson, Clerk.....	215 00
Gilbert H. Bryson, Surveyor.....	420 62
Bull & Tuttle, (Clipper,).....	10 00
Dobbin & Fulton, (American,).....	10 00
McJilton & Wills, (Patriot,).....	10 00
Rent, Stationery, Magistrate's Fees, &c.....	54 45

\$1,365 07

EIGHTEEN FEET ALLEY, BETWEEN WASHINGTON AND THIRD STREETS.

Nathan T. Dushane, Commissioner.....	\$125 00
Joseph Holt, do.	125 00
John G. Hooper, do.	125 00
Philip T. Dawson, Clerk.....	125 00
Gilbert H. Bryson, Surveyor.....	163 20
Bull & Tuttle, (Clipper,).....	10 00

McJilton & Wills, (Patriot,).....	\$10 00
Dobbin & Fulton, (American,).....	10 00
Rent, Stationary, Magistrate's Fees, &c.....	42 14
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	\$735 34

PIMLICO ALLEY.

Nathan T. Dushane, Commisioner.....	\$27 50
Joseph Holt, do.	27 50
John G. Hooper, do.	27 50
Philip T. Dawson, Clerk.....	27 50
Gilbert H. Bryson, Surveyor.....	42 18
Bull & Tuttle, (Clipper,).....	11 00
McJilton & Wills, (Patriot,).....	11 00
Dobbin & Fulton, (American,).....	11 00
Rent, Stationary, Magistrate's Fees, &c.....	13 72
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	\$198 90

WEST STREET.

(Appealed on.)

McCABE STREET.

Nathan T. Dushane, Commissioner.....	\$25 00
Joseph Holt, "	25 00
John G. Hooper, "	25 00
Philip T. Dawson, Clerk.....	25 00
Gilbert H. Bryson, Surveyor.....	43 60
Bull & Tuttle, (Clipper,).....	12 00
Dobbin & Fulton, American,).....	12 00
McJilton & Wills, (Patriot,).....	12 00
Rent, Stationary, Magistrate's Fees, &c.....	13 40
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	\$193 00

CALLENDER ALLEY.

Nathan T. Dushane, Commisioner.....	\$47 50
Joseph Holt, "	47 50
John G. Hooper, "	47 50
Philip T. Dawson, Clerk.....	47 50
Gilbert H. Bryson, Surveyor.....	105 16
Bull & Tuttle, (Clipper,).....	13 00

Dobbin & Fulton, (American).....	\$13 00
McJilton & Wills, (Patriot).....	13 00
Rent, Stationery, Magistrate's Fees, &c.....	25 11
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	\$359 27

GROVE STREET.

Nathan T. Dushane, Commissioner.....	\$37 50
John G. Hooper, ".....	37 50
Joseph Holt, ".....	37 50
Philip T. Dawson, Clerk.....	37 50
Gilbert H. Bryson, Surveyor.....	51 82
James Fuller.....	10 00
Joseph W. Smith.....	10 00
Adreon & Co., (Auctioneers).....	40 89
Bull & Tuttle, (Clipper,).....	38 55
Dobbin & Fulton, (American,).....	35 75
McJilton & Wills, (Patriot,).....	40 85
Rent, Stationery, Magistrate's Fees, &c.....	27 33
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	\$405 19

JOHNSTON STREET.

(Appealed on.)

HOLLIDAY STREET.

Nathan T. Dushane, Commissioner.....	\$560 00
Joseph Holt, ".....	560 00
John G. Hooper, ".....	560 00
Philip T. Dawson, Clerk.....	560 00
Gilbert H. Bryson, Surveyor.....	538 51
Dobbin & Fulton, (American,).....	89 08
Baltimore Patriot.....	90 26
Bull & Tuttle, (Clipper,).....	81 00
Adreon & Co., (Auctioneers,).....	381 95
Office Rent, Stationery, Magistrate's Fees, &c.....	88 75
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	\$3,609 55

TELEGRAPH STREET.

(Appealed on.)

LANVALE STREET.

Nathan T. Dushane, Commissioner	\$102 50
Joseph Holt, "	102 50
John G. Hooper, "	102 50
Philip T. Dawson, Clerk.....	102 50
Gilbert H. Bryson, Surveyor.....	309 00
Baltimore American.....	21 87
Baltimore Clipper.....	21 87
Baltimore Patriot	21 87
Adreon & Co., Auctioneers.....	11 28
Office Rent, Stationery, Magistrate's Fees, &c.....	25 85
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	\$821 74

LIGHT STREET.

Nathan T. Dushane, Commissioner.....	\$252 50
Joseph Holt, "	252 50
John G. Hooper, "	252 50
Philip T. Dawson, Clerk.....	252 50
Gilbert H. Bryson, Surveyor.....	247 22
Baltimore American.....	15 00
Baltimore Clipper.....	15 00
Baltimore Patriot	15 00
Rent, Stationery, Magistrate's Fees, &c.....	38 50
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	\$1,338 72

PRESTON STREET.

(Appealed on.)

BOULDIN ALLEY.

Nathan T. Dushane, Commissioner.....	\$47 50
Joseph Holt, "	47 50
John G. Hooper, "	47 50
Philip T. Dawson, Clerk.....	47 50
Baltimore Patriot	25 63
Baltimore Clipper.....	25 63
Gilbert H. Bryson, Surveyor.....	95 05
Adreon & Co., Aucts.....	10 00
Office Rent, Stationery, Magistrate's Fees, &c.....	15 44
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	\$361 75

FAYETTE STREET.

Nathan T. Dushane, Commissioner.....	\$255 00
Joseph Holt, ".....	255 00
John G. Hooper, ".....	255 00
Philip T. Dawson, Clerk.....	255 00
Gilbert H. Bryson, Surveyor.....	253 86
Baltimore Patriot.....	49 87
Baltimore Clipper.....	52 87
Baltimore American.....	4 00
Stationery, office rent, Magistrate's fees, examination of titles, &c.	81 43
Adreon & Co., Aucts.....	60 55
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	1,522 58

On motion of Mr. Nicholas, the communication was referred to the joint standing committee of Ways and Means.

The President presented an invitation to the Branch from George C. Clark & Co., to attend a Panorama on exhibition at Temperance Temple. On motion of Mr. Staylor, the invitation was accepted.

Mr. Bouldin called up the resolution relative to Peter Duffy, a deaf mute, which was read.

On motion of Mr. Bouldin, the resolution was referred to the joint standing committee on Education.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, January 14, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we concur in the reasons assigned in your message for an adjournment of the Council from this date until next Monday afternoon, and accede to your proposition that when the Council adjourns this afternoon it stand adjourned until next Monday afternoon, at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

A resolution requesting the various standing and select committees to give their attention during the recess of the

Council to the several matters referred to them and report thereon as soon as possible, was received from the Second Branch and read.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and concurred in.

Mr. Phelps, from the joint standing committee on the Police and Jail, submitted the following report and resolution, which were read:

The joint standing committee on Police and Jail, to whom was referred the petition of Henry E. Huber, beg leave to report that they have carefully examined the subject matter thereof and have decided to report favorably. They, therefore, beg leave to submit the following resolution:

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to Henry E. Huber to erect a small swinging sign over the door of his premises, No. 6 N. Charles street, the said sign to be at least twelve feet from the foot pavement, and at a distance from the front wall of the building sufficient only to clear the bow windows of the store on the first floor thereof; provided, the same be removed after sixty days' notice to that effect by the Mayor.

On motion of Mr. Phelps, the resolution was read a second time, by special order, and adopted.

Mr. Brown offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be and he is hereby authorized and directed to have a gas lamp erected at the corner of Baltimore

street and Tripolett's alley, the expense to be taken out of the appropriation for lighting the city.

On motion of Mr. Phelps, the Branch adjourned until Monday afternoon next, at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, January 21st, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Thomas presented the petition of John G. Reaney and others, asking to have gas light placed on Fayette street, between Aisquith and Canal streets, which was referred to the joint standing committee on Police and Jail.

Mr. Thomas presented the petition of J. Maccubbin and others, asking to have gas lamps placed on Forrest and Little McElderry streets; as also flagstones at the intersection of said streets, which was referred to the joint standing committee on Police and Jail.

Mr. Staylor presented the petition of James P. Frames and others, asking that the gas mains may be extended, and lamps placed on Greenmount avenue, which was referred to the joint standing committee on Police and Jail.

Mr. Blanchard presented the petition of J. Shaaff Stockett, trustee, asking that the City Collector be authorized and directed to execute or unite in the execution of a conveyance to cure defects in the description of certain property heretofore sold by the city, which was referred to the joint standing committee on City Property.

Mr. Nicholas presented the petition of Jonathan Meredith, asking permission to widen the area in front of his residence on Franklin street, which was referred to the joint standing committee on Highways.

Mr. Chase presented the petition of John W. Multy and others, asking the repeal of the ordinance passed for the opening of Warner street, which was referred to the joint standing committee on Highways.

Mr. Tegmeyer presented the petition of M. Coward, against the opening and condemnation of Calhoun street, which was referred to the joint standing committee on Highways.

Mr. Crout presented the petition of Theodore Mottu and others, setting forth that great damage has been done to the property on Pennsylvania avenue, between Hoffman and Preston streets, by the accumulation of water at that point, and asking that provision may be made to remedy the grievance, which was referred to the joint standing committee on Highways.

Mr. Crout presented the petition of Valentine Foreman and others, asking to have gas lamps placed on Townsend street, near Walsh street, and on Walsh street, near Townsend street, which was referred to the joint standing committee on Police and Jail.

Mr. Bouldin, from the joint special committee on the House of Refuge, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on the House of Refuge, to whom was referred so much of the Mayor's annual message as had reference to that Institution, as well as the memorial of its Board of Managers, respectfully report, that your committee, at the invitation of the Board, visited the institution and carefully and thoroughly examined the same in all its departments. The committee were not a little surprised at the extent and growing importance of this establishment, devoted as it is to a class that hitherto have been neglected only to be educated on the streets and finally to become a pest to society and an unending source of expense to the State and city. Thus, to snatch these juvenile delinquents and vagrants from the highways of vice, and to educate them by the moral restraints and benevolent appliances here witnessed, is indeed an object worthy of our best sympathies and deserving of that public encouragement and support which your committee are glad to learn has heretofore been so well bestowed

upon it by the liberal donations of private munificence and State and city appropriations.

Upon inquiry, your committee learn, that during the five years the House of Refuge has been in operation, it has had under its care 726 inmates, and that 318 were in the house on 31st December ult. The average number during the last year was 317, an increase of 67 over the preceding year. When your committee had the whole of the present occupants assembled before them, the most striking feature of the exhibition was the marked health and cheerful looks of the children, their excellent discipline, and the neat and comfortable manner in which they were clothed. Not a single child was on the sick list. All this was the more noticeable when it was remembered who these children were, and by what circumstances they were surrounded before finding a refuge in this noble institution.

Your committee visited the different shops, which they found comfortably arranged, and were much surprised at the varied character of the labor performed by these little operatives. From the oldest to the very youngest, all were employed in some useful occupation, thus materially lessening the cost of their keeping. Every article of their wear is manufactured by themselves. The motto of the house seems to be, "all at it, and always at it." Silver plating, shoe-making, tailoring, paper box making, knitting, &c., &c., are the chief employments. The boys do the cooking, make their bread, do the washing and ironing for the house, make the gas, manage the steam engine, cultivate the farm, &c. While all this is performed, their education is also well-cared for. The school rooms are well furnished and thoroughly ventilated. A good English education, of course, is only aimed at, but from an extemporized examination of a class of older boys in the elements of natural philosophy, and an exhibition of some of the smaller ones in declamation, together with exercises in singing and performances by a brass band, it is evident that nothing is left undone in developing the mental qualities of the children, and practically testing their capabilities. In one word, the intellectual, religious and industrial training of these unfortunate children of neglect and evil habits, as here exhibited, leaves no room for cavil or captious censoriousness. The practical benevolence of the Institution is a fact accomplished, as palpably demonstrated in its results as it was humanely suggested in its conception.

When it is considered how many of these children of the streets are under care and the extent of means required for their successful training and reclamation, it is highly gratifying to your committee to be able to say, that in no single thing is the management of the House of Refuge more commendable than in the economy of its expenditures. The daily cost of each child is

but 20³/₁₀ cents, and in this sum is included every item of expense, such as salaries of officers, food, clothing, schools, permanent improvements and furnishing, and all other things incident to the Institution. Your committee are authorized to say that this cost is less than in any other similar establishment in the country. This fact gives sufficient assurance that the appropriations of money heretofore made by the city have been carefully and most frugally expended, and that any further sum thus appropriated will in like manner be dispensed. Upon the whole, your committee most heartily join with his honor the Mayor, in asking the most favorable consideration of the claims of an institution in every respect worthy of the highest confidence, both for its usefulness and its management, and most creditable to the public spirit and practical benevolence of the State and city.

Before closing, your committee would also state that they visited the new building for females now in course of erection, entirely separate from the main edifice. It is admirably arranged with every attention in its design and construction for the purposes intended. It is the work of private munificence, chiefly aided by the generous donation of the excellent lady of the late and lamented President of the Refuge. From want of means work on it is now suspended. This is much to be regretted, as a few weeks labor and about \$5000 is all that is required to put it in the occupancy of those for whom it is intended, and for many good reasons very desirable. The Board, however, have asked nothing for the purpose, confining their plea entirely for a sum only equal to the necessary maintenance of the children.

Your committee append herewith a few comparative statistics that may prove interesting, and at least are deserving of consideration in forming a decision upon the claim made by the Board of Managers for an annual appropriation in their behalf, and which heretofore has never been refused. Your committee believing that a favorable action of the City Council will not only be a wise decision, but will meet with the cheerful consent and hearty approbation of the community, therefore beg leave to present the following resolution:

H. W. DRAKELY,
OWEN BOULDIN,
JACOB YEISLEY,

First Branch.

JOHN W. WILSON,
F. W. ALRICKS,
ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the sum of sixteen thousand dollars be, and the same is hereby appropriated to the House of Refuge; said appropriation to be made in two equal payments—one on the 25th of July, and the other on the 25th of November, 1861; the amount to be taken out of the annual levy for 1861.

Mr. Staylor, from the joint standing committee on Fire Department, submitted the following report and resolution, which were read and laid on the table:

The joint standing Committee on Fire Department, to whom was referred the petition of John O'Brien, asking permission to erect six frame sheds in the rear of his houses on Madison street, between Caroline and Dallas streets, have visited the premises, and are of opinion that the said sheds would in nowise endanger any property in the neighborhood, and they therefore offer the following resolution.

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and is hereby granted to John O'Brien to erect six frame sheds in the rear of his houses on Madison street, between Caroline and Dallas streets.

Mr. Meyers offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the Water Board be and they are hereby requested to inform this Branch as early as practicable what is the distance in feet between the Hampden reservoir and the Mount Royal reservoir, how many feet of pipe have been laid down, and how many remain yet to be laid down to complete the communication between the said reservoirs; how many agents and employees are now engaged in laying down such pipes, and how long have they been so engaged, what has been the average cost per foot for the pipes so laid down, specifying separately the cost of pipe, materials, and labor, and what is the earliest probable period when the supply of water from said reservoirs will be introduced into the city.

On motion of Mr. Meyers, the resolution was read a second time, by special order, and adopted.

Mr. Thomas offered the following resolution, which was read:

Resolved, That the committee on the Almshouse be and they are hereby requested to obtain information from the proper authorities at said Almshouse, as to the mode and manner of removing deceased persons to the place of burial, and report to this Branch as soon as convenient.

On motion of Mr. Thomas, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of William G. Power, asking permission to erect a bay window on the corner of Madison and Hoffman streets, have visited the premises, and are of the opinion that the prayer of the petitioner ought to be granted, and they therefore offer the following resolution:

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE, SR.,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and is hereby given to William G. Power to erect a bay window on his dwelling situated on the corner of Madison and Hoffman streets.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on Fire Department, to whom was referred the petition of Thos. J. Hand & Co., asking permission to erect a frame shed on the wharf rented by them from the Baltimore and Ohio Railroad Co., on Locust Point, having visited the premises and finding the location beyond direct taxation, deem no further legislation is necessary, and they therefore offer the following resolution :

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,
ASA HIGGINS.

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Bandel moved that the following message be sent to the Second Branch, which was determined in the affirmative:

IN FIRST BRANCH,
Baltimore, January 21st, 1861.

Gentlemen of the Second Branch:

We respectfully propose, with your concurrence, that the two Branches meet in convention on Thursday, the 24th instant, at half-past five o'clock, for the purpose of electing eight Directors on the part of the city for the Baltimore and Ohio Railroad, and two for the Northern Central Railroad, two Commissioners of Finance, and one Commissioner of Public Schools from each Ward.

Mr. Phelps moved that the following message be sent to the Second Branch, which was determined in the affirmative:

IN FIRST BRANCH,
Baltimore, January 21st, 1861.

Gentlemen of the Second Branch:

We respectfully propose, with your concurrence, the appointment of a joint select committee of three from each Branch, to

consider and report whether any and what additional legislation, on the part of this corporation, is necessary for the encouragement and support of uniformed volunteer companies within the city.

The President laid before the Branch the following communication from the Comptroller:

COMPTROLLER'S OFFICE,
Baltimore, January 21st, 1861.

*To the President and Members of the
First Branch of the City Council:*

GENTLEMEN:—

In compliance with an order passed by your Honorable Body at your late special session, I herewith present the following statements:

Exhibit No. 1 will show the present number of bailiffs, &c., in the several Courts, when their number was increased, and also when their per diem was increased.

Statement No. 2 will show the fees received by the crier, and how much received at each term of the Court; also, a summary of their receipts from January term, 1857, to May term, 1860, inclusive.

Statement No. 3 will show the amount of fees paid to Milton Whitney, Esq., from September term, 1855, to September term, 1857.

Statement No. 4 will show the amount of monies paid into the city treasury by George H. Dutton, Esq., Sheriff, on account of fines, penalties, and forfeitures, within the contemplation of section 3d, article 40, of the Public General Laws; also, all fines accruing in the Criminal Court within the contemplation of section No. 232, article 4, of Public Local Laws.

Respectfully submitted,

SAML. MACUBBIN, *Comptroller.*

STATEMENT RESPECTING BAILIFFS IN THE DIFFERENT COURTS.

	Bailiffs.	Crier.	Interpreter.
The Criminal Court has.....	7	1	1
“ Superior “	4	1	—
“ Common Pleas “	4	1	—
“ City Circuit “	2	—	—
	<hr/> 17	<hr/> 3	<hr/> 1

Prior to May, 1857, the Criminal Court had but six bailiffs, but at that time a police officer was appointed at a per diem of \$2 until January, 1858, when he was created a bailiff at \$3 per diem.

The crier of the Criminal Court is paid in fees.

The crier and bailiffs of all the other Courts receive a per diem of \$3. The interpreter receives the same.

SUMMARY.

Criminal Court has 7 bailiffs and 1 interpreter at \$3 per day.
Superior " 4 " 1 crier " "
Common Pleas " 4 " 1 " " "
City Circuit " 2 " "

The per diem of \$3 has been allowed in the Criminal Court ever since 1854, and in the other Courts since June, 1857.

The Criminal Court has since May, 1859, allowed the per diem for every week day.

The other Courts do the same; but the Superior Court in August, 1858, and August, 1859, did not allow it for days when it was not in session. From August, 1859, the Court has allowed for every day.

FEEES PAID BY THE CITY TO THE CRIER OF THE CRIMINAL COURT IN 1857, 1858, 1859 AND 1860.

1857.			
January.....	Joseph Neal.....	\$869 52	
May.....	"	990 34	
September.....	"	1,241 32	
			\$3,101 18
1858.			
January.....	"	1,023 87	
May.....	"	1,358 23	
September.....	"	1,315 12	
			3,697 22
1859.			
January.....	"	1,290 19	
May.....	"	1,182 12	
September.....	"	1,175 96	
			3,848 27
1860.			
January.....	"	771 33	771 33
			\$11,418 00
"	E. R. Petherbridge.....	1,197 26	1,197 16
			\$12,615 26

SUMMARY.

Paid Jos. Neal for 1857, 1858, 1859, and Jan'y term 1860,	\$11,418 00
" Edward R. Petherbridge for May term 1860.....	1,197 26
	\$12,615 26

STATEMENT OF PAYMENTS MADE BY THE CITY TO
MILTON WHITNEY, STATE'S ATTORNEY,

From September term, 1855, to September term, 1857.

DATE.		TERM.	
1856.			
January.....	Cash.....	September, 1855,	\$43 33
May 13th.....	"	January, 1856,	1,520 00
September 12th.....	"	May, "	2,786 66
1857.			
January 31st.....	"	September "	753 33
February 18th.....	"	" "	1,000 00
May 25th.....	"	January, 1857,	2,050 00
September 23d.....	"	May, "	2,824 90
1858.			
January 20th.....	"	September "	2,000 00
February 22d.....	"	" "	2,233 33
Total.....			\$15,211 55

STATEMENT OF FINES AND FORFEITURES PAID INTO THE
CITY TREASURY BY GEORGE H. DUTTON, SHERIFF,Under section 232 of article 4 of Local Laws, new code, and section 233
of article 4 of Public Local Laws.

	State Fines.	Sunday Liquor.	Gamb- ling, &c.	
For Septe'r term, 1859,	\$147 20	\$40 00		
½ to city,	73 60	20 00		—Total, \$93 60
For January term, 1860,	669 50	2,934 75	\$1,410 00	
½ to city,	334 75	1,467 37	705 00	—Total, 2,507 12
For May term, 1860,	1,463 00	500 00	1,100 00	
½ to city,	731 50	250 00	550 00	—Total, 1,531 50

SUMMARY.

September term, 1859.....	\$93 60
January " 1860.....	2,507 12
May " "	1,531 50
<hr/>	
Paid November 23d, 1860.	Grand total..... \$4,132 22
From which must be taken \$257 92 as commissions.	

COMPTROLLER'S OFFICE,

*Baltimore, January 9th, 1861.*The President laid before the Branch the following communi-
cation from the Comptroller:

*To the President and Members of the
First Branch of the City Council:*

GENTLEMEN :—

In answer to a resolution passed by your Honorable Body, at its late special session, requesting the undersigned to inform your Branch what amount of monies has been expended for cleaning and deepening the Harbor and Jones' Falls, for the years 1857, 1858, 1859 and 1860, also what has been expended for tar and oil for the above named years.

I herewith present the following statements, which give in detail the information desired.

Respectfully submitted,
SAML. MACCUBBIN, *Comptroller.*

Paints, Oils, &c.

Jan. 2d, 1857, am't. paid A. Saulsbury & Son, due in 1856,	\$87 27
" " " " "	434 50—\$521 37

Towing.

“ 3d “ am’t. paid John A. Applegarth, due in 1856, ..\$46 75
 “ “ “682 00—\$726 75

Rope, &c.

“ 5th “	amn't paid John Henderson & Co., due in 1856,	\$216 47	
“ “	Coleman & Baily,	247 30—	\$463 77

Hardware, &c.

"	8th "	am't paid Baker, Holmes & Brown, due in 1856,	\$126 22
"	"	"	228 87
"	"	John Buck & Co.	90 91—\$446 00

Timber, &c.

Feby. 2d	"	am't paid G. K. Tyler & Co., due in 1856,.....	\$82 46
" 7th	"	" " E. A. Abbott.....	145 69
	"	" " " "	74 22
	"	" " Thomas Creamer.....	39 51—\$341 88

Horses.

am't paid John Shelly	\$800 00
“ “ Patrick Geoghgan.....	75 00
“ “ C. Carr.....	75 00—\$950 00

Horse Feed.

am't paid Robert Turner,.....	\$ 32 00
“ “ Charles Hill,.....	145 08
“ “ Thos. B. Burch,.....	538 00
“ “ T. B. & J. A. Burch,.....	737 60—1,452 68

Horse Shoeing.

am't paid J. Burchineal.....	\$32 50
“ “ Burchineal & Noll,.....	82 50—\$115 57

Wood.

am't paid Geo. W. Gordon,.....	\$281 93—\$281 93
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Harness.

am't paid John Mathison,.....	\$125 66—\$125 66
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Coal.

am't paid Slack & Browne.....	\$ 23 12
“ “ George's Creek Coal and Iron Co.,..	399 60—\$422 72

Incidentals.

am't paid Wm. Wilkenson	\$140 00
“ “ Simeon Alden.....	65 88—\$205 88

Blocks.

am't paid Wagner & Waddell.....	\$40 82— \$40 82
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Artesian Well.

am't paid Wells & Miller.....	\$380 00—\$380 00
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Poles.

am't paid Flannigan & Beacham.....	\$42 50— \$42 50
am't paid Board of Commissioners	\$70 00— \$70 00
“ “ Langley B. Culley.....	\$122 62—\$122 62
“ “ John Stickney.....	09— 09
“ “ Wm. S. Justis, repairing Clock.....	\$1 50— \$1 50
“ “ For deepening the Channel.....	8.605 71—8.605 71
“ “ For Pay Rolls for Hands.....	19.074 52—19.074 52

Total..... \$34.391 65

APPROPRIATIONS FOR THE YEAR 1857.

Public Wharves.

	am't of appropriations for Public Wharves	\$1,000 00
Nov. 24, 1857,	am't paid John N. Ely, for repairing.....	\$116 92
Dec. 15	“ “ “ “	19 20— \$136 12
	Balance undrawn.....	\$863 88

Back Basin Wharf.

	am't of appropriations for Back Basin Whf	\$4,000 00
Nov. 24, 1857,	“ paid John N. Ely for repairs.....	\$1,974 75
Dec. 15,	“ “ “ “	700 00—\$2,674 95
	Balance undrawn.....	\$1,325 05

Steamer Mayor.

	am't of appropriation for Steamer Mayor,	\$1,000 00
Apl. 17, 1857,	“ paid J. N. & P. H. Muller,.....	\$184 23
May 18,	“ “ Wm. H. Travers	8 00
July 15,	“ “ J. N. & P. H. Muller.....	507 83
“	“ “ Murray & Hazlehurst.....	92 74
Aug. 21,	“ “ Geo. R. Berry.....	5 25— \$798 05
	Balance undrawn.....	\$201 95

ACCOUNTS FOR THE YEAR 1858.

Hardware, &c.

Jan. 13,	am't paid John Buck & Co., due in 1857.....	\$ 37 54
“ 15,	“ “ Baker, Holmes & Brown, due in '57.	203 57
“	“ “ Denson & Buck.....	95 00
“	“ “ Baker, Holmes & Brown.....	661 93
“	“ “ John Buck & Co.....	21 00—\$1,019 04

Coal.

Jan. 6,	am't paid Dobbin & Warfield, due in 1857.....	127 50
“	“ “ Geo. Creek Coal and Iron Co.....	1,093 85
“	“ “ Foster & Slack.....	27 00— 1,248 35

Horse Feed.

Jan. 9,	am't paid Thomas B. Burch, due in 1857.....	52 66
“	“ “ Chas. Hill, “ “ “	159 00
“	“ “ do. do.	212 50
“	“ “ T. W. Binyon.....	23 34
“	“ “ C. B. Hynes.	1,294 86— 1,697 36

Rope, &c.

Jan. 9, am't paid Coleman & Bailey, due in 1857.....	36 26	
Mar. 10, " " Wier, Lincope & Co., " " "	64 86	
" " Coleman & Bailey.....	1,559 43—	1,660 55

Paints, Oils, &c.

Jan. 15, am't paid A. C. Saulsbury, due in 1857.....	155 70	
" " Saulsbury & Loane.....	65 99—	221 69

Timber, &c.

Jan. 23, am't paid G. K. Tyler, due in 1857.....	130 69	
" " E. A. Abbott.....	139 85	
" " Randolph, Golibart & Co.....	28 57	
" " G. K. Tyler & Co.....	248 52—	547 63

Chains, Spikes, &c.

Jan. 23, am't paid Coleman & Cleaveland.....	317 25—	317 25
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Water.

Jan. 23, am't paid Clark Cotrell.....	\$229 20—	229 20
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Incidentals.

Jan. 23, am't paid Wm. Wilkenson.....	30 00	
" " Coleman & Bailey.....	250 00—	280 00

Oars and Blocks.

Jan. 23, am't paid R. W. Neily.....	12 80—	12 80
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Horses.

Jan. 23, am't paid A. Leinert.....	742 00—	742 00
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Towing.

Jan. 23, am't paid Wm. Applegarth & Son.....	659 00—	659 00
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Horse Shoeing.

Jan. 23, am't paid to Burchineal & Noll.....	89 75—	89 75
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Repairs of Dredges, &c.

Jan. 23, am't paid to Jas. N. & P. H. Muller.....	615 84—	615 84
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Harness.

Jan. 23, am't paid to John Mathison	120 75—	120 75
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Jan. 23, am't paid Murray & Hazlehurst, machinery....	150 67	
" " Jos. J. Parrott, awning for boat.....	22 63	
" " J. Carter, for raising schr. at Cross st.	75 00	
" " W. H. Bolton	2 00	
" " H. W. Ellicott & Bro., wood	18 00	
" " W. A. Waddell.....	3 87	
" " Geo. J. Loane	6 63	
" " A. Flannigan & Co., poles.....	10 00	
" " Lanks & Riggins.....	15 31	

Jan. 23, am't paid Bull & Tuttle, printing.....	16 50	
“ “ John W. Bond & Co., stationery.....	4 94	
“ “ Thos. S. Lamdin, repairing awning..	5 00	
“ “ Wm. H. Stran & Co., stores.....	11 33	
“ “ Smith Burnett, lumber.....	28 75	
“ “ John J. Abrams, knees.....	19 26	
“ “ Thos. J. Cochran & Co., ice.....	18 15	
“ “ for pay-rolls for hands.....	19,433 71—	19,516 20
Total.....		\$29,302 96

APPROPRIATIONS FOR THE YEAR 1858.

Machinery.

Amount of appropriation for machinery.....	\$500 00
June 29, am't paid John Dobson.....	\$114 58
July 9, “ “ Henry Boss.....	46 00
Aug. 19, “ “ Murray & Hazlehurst.....	339 42—\$500 00

Public Wharves.

Amount of appropriation for public wharves.....	\$1,000 00
Apl. 22, am't paid John N. Ely.....	\$682 50
Dec. 4, “ “ C. Crookshanks.....	32 16
“ 20, “ “ John N. Ely.....	50 40— 765 06
Balance undrawn.....	\$234 94

ACCOUNTS FOR THE YEAR 1859.

Coal.

Jan. 11th, 1859, am'nt paid Foster and Slack, due in 1858, \$15 00	
“ 18th “ “ “ Geo. Creek Coal Co. “ “ 90 00	
“ “ “ “ “ “ “ “ 875 70	
“ “ Foster & Stack.....	15 00
“ “ Dobbin and Warfield.....	109 50—\$1,105 20

Towing.

Jan. 18, 1859, am'nt paid A. C. Hall.....	942 00
“ “ Merchant Steam Towing Co.....	68 00— 1,010 00

Railway, &c.

Jan. 17, 1859, am'nt paid J. N. & T. H. Muller, due 1858..	134 63
“ “ Moses Sanders.....	254 36
“ “ J. T. Fardy & Bro.....	183 27— 572 26

Incidentals.

“ “ James L. Mills.....	150 00
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Horse Feed.

Jan. 19, 1859, am'nt paid John A. Allers, due in 1858....	101 95
“ “ “ “ “ “ “ “ 348 87	
“ “ Wm. J. Hamill.....	230 47— 681 29

Horse Shoeing.

"	"	Henry Stephan.....	51 50—	51 50
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Timber, &c.

"	"	E. A. Abbott, due in 1858.....	137 46	
"	"	Henry James & Co.....	158 52	
"	"	E. A. Abbott.....	105 24	
"	"	John Coates.....	152 25—	553 47

Paints, Oils, &c.

Feb. 2, am't paid A. Saulsbury & Son, due in 1858.....	173 33	
" " Geo. J. Loane.....	787 66	
" " Glendy Stuart & Co.....	86 95—	1,047 94

Machinery.

Feb. 3, am't paid Murray & Hazlehurst, due in 1858.....	92 27—	92 27
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Horses.

Feb. 3, am't paid Wm. H. Oliver.....	170 00	
" " Geo. Momberger.....	65 00	
" " Wm. Harp.....	55 00	
" " Wm. Welsh.....	55 00—	345 00

Hardware, &c.

Feb. 3, am't paid Baker, Holmes & Brown.....	820 43—	820 43
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Rope, Iron, &c.

Feb. 3, am't paid John Henderson & Co.....	231 81	
" " Levin Jones.....	252 86—	484 67

Steam Dredge Patapsco Account.

Feb. 3, am't paid Cooper & Slicer.....	816 41	
" " Wm. D. Brown.....	117 33	
" " Philip Sherwood.....	75 48—	1,009 22
Feb. 3, am't paid Geo. E. Donaldson, attending horse.....	14 00	
" " Jas. G. M. Cutcheon, painting dredge..	33 62	
" " W. A. Van Nostrand, ship smith.....	12 60	
" " Henry Howard, papering office, &c.....	31 00	
" " H. W. Ellicott & Bro., wood.....	22 00	
" " Jas. S. Suter, receipt for oil.....	10 00	
" " John Matheson, harness	101 49	
" " Jos. G. Loane, joiner work s. boat.....	20 38	
" " Adams and M'Gee, awning for s. boat...	17 15	
" " Richard Murdoch, scales.....	16 00	
" " John W. Bond & Co., stationery.....	14 04—	292 28
" " Pay Rolls for Hands.....		21,036 23

Total..... \$29,251 76

APPROPRIATION FOR THE YEAR 1859.

Public Wharves.

Amount of Appropriation for Public Wharves.....	\$1,000 00	
June 29. Amount paid John W. Ely, for repairs.....	\$87 05—	87 05

Balance undrawn..... \$912 95

City Yard Wharf.

Amount of Appropriation for City Yard Wharf.....	\$1,000 00	
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Machinery.

Amount of Appropriation for Machinery.....	\$1,000 00	
July 23. Amount paid Murray and Hazlehurst.....	\$451 69—	451 69

Balance undrawn..... \$548 31

ACCOUNTS FOR THE YEAR 1860.

Timber, &c.

Jan. 3. Amount paid Henry James & Co., due in 1859,...	\$143 14	
“ “ Ely & Golibart	67 78	
“ “ E. A. Abbott	54 46	
“ “ Henry James & Co.	238 79	
“ “ Cooper & Slicer	142 28—	646 45

Horse Feed.

Jan. 3. Amount paid Wm. J. Hamill, due in 1859,	65 82—	65 82
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Rope, &c.

Jan. 3. Amount paid Levin Jones, due in 1859.....	269 73	
“ 7. “ “ John Henderson & Co., due in 1859,	120 02	
“ “ Coleman & Bailey.....	19 70	
“ “ Levin Jones	444 95—	854 40

Hardware, &c.

Jan. 10. Amount paid Baker, Holmes & Brown, due in 1859,	174 10	
“ “ “ “ “	501 77—	\$575 87

Water.

Jan. 12. Amount paid Mary A. Cottrell, due in 1859.....	164 92	
“ “ John Anderson.....	21 77	
“ “ Francis Winters.....	59 82—	245 21

Towing.

Jan. 12. Amount paid A. C. Hall	353 50—	353 50
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Railway, &c.

Jan. 3. Amount paid J. T. Fardy & Bro., due in 1859.....	152 90	
“ “ L. J. Applegarth & Co.....	110 93	
“ “ Moses Sanders	98 01—	361 84

Oil.

Jan. 3. Amount paid Wm. C. Robinson.....	248 65—	248 65
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Coal.

Jan. 3. Amount paid George's Creek Coal and Iron Co....	1975 80	
“ “ Dobbin & Co.....	14 60—	1990 40

Paints, &c.

Jan. 3.	Amount paid George G. Loane	31	73	
"	" " G. Stewart & Co.....	46	12—	77 85

Incidentals.

Jan. 3.	Amount paid James L. Mills.....	90	50	
"	" " R. P. Sherwood	134	00—	223 50

Poles.

Jan. 3.	Amount paid Wm. Skinner & Son.....	15	00	
"	" " John S. Beacham & Co.....	34	37—	49 37

Jan. 3.	Amount paid Jos. L. Loane, joiner work on S. B.,	14	18	
"	" " H. W. Ellicott & Bro., wood.....	17	50—	31 78
"	" " Thos. J. Cochran & Co., ice.....	50	64	
"	" " Johnson & Nash, pumping out S. B.,	5	00	
"	" " J. N. Muller, use of crane	20	00	
"	" " J. W. Bond & Co., stationery.....	4	89	
"	" " George Ball, repairing batteaux	5	00	
"	" " Bull & Tuttle, printing.....	19	00	
"	" " Pay Roll for hands	16,007	72—	16,112 25

Total..... \$21,937 89

APPROPRIATIONS FOR THE YEAR 1860.

Public Wharves.

1860.	Amount of appropriation for public wharves.....	\$300	00	
Mar. 8.	Amount paid John N. Ely, for repairs.	62	21	
Nov. 1.	" drawn for Pay Roll for hands.....	237	79—	300 00

Machinery.

	Amount of appropriation for Machinery.....	\$2,000	00	
Feb. 1.	Amount paid Murray & Hazlehurst, for repairs,...	285	25	
May 7.	" " " " " "	753	59	
July 5.	" " Edw'd J. Codd.	140	14	
Aug. 10.	" " " " " "	152	46	
Nov. 1.	" drawn for Pay Roll for hands.....	668	56—	2,000 00

Steam Discharger.

	Amount of appropriation for Steam Discharger.....	\$2,000	00	
Mar. 16.	Amount drawn for Pay Roll for hands.....	27	94	
Ap'l 3.	" " " " " "	52	06	
May 1.	" " " " " "	73	75	
" 16.	" " " " " "	19	88	
July 5.	" " " " " "	52	50	
" 9.	Amount paid John Kirby & Son, for lumber.....	25	60	
" 16.	" drawn for Pay Roll for hands.....	67	64	
" 17.	" paid Cooper & Slicer, knees	10	00	
Aug. 1.	" drawn for Pay Roll for hands.....	62	50	
Sept. 5.	" paid Mayger & Shafter, for boiler.....	520	00—	911 87

Balance undrawn.....\$1,088 13

Oil bought during the year 1857.

Jan. 30, 1857.	42½	gals. Sperm Oil a \$1.40 from A. C. Saulsbury & Son.....	\$59 50	
June 26, “	41½	gals. Sperm Oil a \$1.60 from do.....	66 40	
July 3, “	43½	“ M. Oil a 1.10 “	47 85	
Oct. 20, “	41	“ S. Oil a 1.55 “	63 55	— \$237 30

Tar bought during the year 1857.

April 15, 1857.	3	bbls. Tar a \$2.50 from Spreckelson, Wier & Co.....	\$7 50	
May 30, “	4	bbls. Tar a \$2.50 from do.....	10 00	
Sept. 9, “	4	“ a 2.50 “	10 00	— \$27 50

Oil bought during the year 1858.

Jan. 9, 1858.	41½	gals. S. Oil a \$1.75 from A. C. Saulsbury & Son.....	\$60 17	
“ “ “	41½	gals. M. Oil a \$1.15 from do.....	47 82	
Mar. 31, “	31½	“ S. Oil a \$1.75 from Coleman & Bailey.....	55 12	
May 28, “	41	gals. M. Oil a \$1.00 from do.....	41 00	
June 1, “	42	“ S. Oil a 1.75 “	73 50	
Aug. 22, “	31	“ S. Oil a 1.75 “	54 25	
Sept. 28, “	34	“ S. Oil a 1.75 “	59 50	
“ 30, “	30	“ C. Oil a 1.00 “	30 00	
Nov. 18, “	33	“ S. Oil a 1.70 “	56 10	— \$477 46

Tar bought during the year 1858.

Feb. 2, 1858.	3	bbls. Tar a \$3.25 from Coleman & Bailey.....	\$9.75	
April 15, “	6	bbls. Tar a \$3.25 from do.....	19 50	
May 18, “	4	“ “ 3.00 “	12 00	
Sept. 8, “	4	“ “ 3.50 “	14 00	
Dec. 6, “	3	“ “ 2.75 from A. C. Saulsbury & Sons.....	8 25	— \$63 50

Tar bought during the year 1859.

Mar. 10, 1859.	44	gals. S. Oil a \$1.70 from Geo. J. Loane	74 80	
April 1, “	41½	“ S. Oil a 1.80 “ “ “	74 80	
“ 25, “	43½	“ M. Oil a 0.95 “ G. Steuart & Co.....	40 38	
June 6, “	39½	“ L. Oil a 1.03 from G. J. Loane	40 68	— \$230 66

Tar bought during the year 1859.

Mar. 1, 1859.	6	bbls. Tar a \$3.50 from Geo. J. Loane	\$21 00	
“ 25, “	6	“ “ 3.50 “ “ “	21 00	
April 6, “	3	“ “ 2.25 “ “ “	6 75	— \$48 75

Oil bought during the year 1860.

Jan. 24, 1860.	42	gals. Sperm Oil a \$1.40 from W. C. Robinson.....	\$59 55	
Mar. 24, “	42	gals. Sperm Oil from do.....	63 00	
“ “ “	43	“ Whale Oil “	26 85	
May 28, “	42	“ Sperm Oil “	63 00	
Aug. 7, “	40½	“ “ “	61 50	
Sept. 14, “	42½	“ “ “	63 75	— \$337 56

Tar bought during the year 1860.

Mar. 3, 1860.	3	bbls. Tar a \$3.00 from Leven Jones..	\$9 00	
June 16, “	2	“ “ 2.50 “ “ “	5 00	— \$14 00

Mr. Blanchard offered the following resolution, which was read :

Resolved, by the Mayor and City Council of Baltimore, That all copies of the Maryland Code and Ordinances of the City of Baltimore, furnished by the Comptroller for the use of members of the City Council, shall be returned to the Comptroller at the close of the annual session of the City Council.

On motion of Mr. Blanchard, the resolution was read a second time, by special order.

Mr. Bolgiano moved to amend the resolution by striking out the words "and ordinances of the City of Baltimore," which was decided in the negative. The question recurring on the adoption of the resolution, it was determined in the affirmative.

The following communication was received from the Commissioners for opening streets :

To the Honorable the

Members of the First Branch City Council :

GENTLEMEN :—

The undersigned, Commissioners for opening Streets in the city of Baltimore, are in the receipt of a communication dated First Branch, January 10th, 1861, requesting them to furnish your Honorable Body certain information in regard to their Department, in words following, to wit :

Resolved, by the First Branch City Council of Baltimore, That the Commissioners for opening streets are requested to report to this Branch the number and names of all streets, lanes and alleys heretofore opened and condemned by them, or now in progress of being so opened and not yet reported by them to the City Register, with the expenses incurred, or which, in their judgment, will be incurred thereby, and specifying the number of days for which compensation has been or will be claimed or allowed in each case per diem ; to what amount, to whom and for what services.

In reply to which, they beg leave to make the following Exhibit of the proceedings of this Board for the years 1857, '58, '59, '60 and 61.

Respectfully submitted,

N. T. DUSHANE,

JOSEPH HOLT,

JOHN G. HOOPER.

Date of returns to the Register of the city.	Names of Streets and Alleys.	Amount allowed to each Commissioner and Clerk.	Amount allowed City Surveyor as per ordinance No. 16.	Advertising, office rent, magistrate fees, station'y, &c.	Auctioneer's fee for sales.	Total am't of expenses.	Date of payment of fees to Commissioners.	Amount received by each Commissioner and Clerk.
1857. August 20,	Hamilton street,	\$82 50	\$72 32	\$76 87	\$25 25	\$506 44	1857. October,	\$82 50
December 8, " 30, 1858	Gilmore street, Grindall "	197 50 57 50	326 24 54 70	73 99 38 07		1,190 23 322 77	1858. January, July,	197 50 57 50
February 11, March 3, " 18, May 14, July 8, September 27, June 12, 1859.	Republican street, Oregon " Ten feet alley, Townsend street, Eighteen feet alley, Pimlico " Lanvale street,	197 50 195 00 77 50 230 00 125 00 27 50 215 00	275 68 220 47 80 30 530 52 163 20 42 18 420 62	73 05 82 93 64 29 75 17 72 14 46 72 84 45		1,138 73 1,083 40 454 59 1,525 69 735 34 198 90 1,365 07	March, " May, July, September, " December, 1859.	197 50 195 00 77 50 230 00 125 00 27 50 215 00
June 3, May 3, April 18, December 9, 1860.	Grove street, Callender alley, McCabe street, Holliday "	37 50 47 50 25 00 560 00	51 82 105 16 43 60 538 51	162 48 64 11 49 90 349 09	40 89	405 19 359 27 193 00 3,509 55	August, October, December, 1860.	37 50 47 50 25 00
March 17, June 30,	Lanvale " Bouldin alley,	102 50 47 50	309 00 95 05	91 46 66 80	11 28 10 00	821 74 361 85	May, August, 1861.	102 00 47 50
May 18, December 13,	Light street, Fayette "	252 50 255 00	245 22 253 86	83 50 188 17	60 55	1,338 72 1,522 58	January,	252 50

1859.—March, Johnson street,	} The papers connected with those streets in Court.
“ October, West street,	
1860.—Telegraph street,	
“ Preston street,	

Grindall, Carey and Calhoun, Arch, Cumberland, Sterret, Grundy and John streets; Jenkins, Foster and Franklin alleys; Warner and Josephine streets; James alley. The Commissioners have commenced proceedings on those streets, but are unable to give the amount of expense that will be incurred by opening them.

All of which they respectfully submit,

N. T. DUSHANE,
JOSEPH HOLT,
JOHN G. HOOPER.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, January 22, 1860.

Gentlemen of the Second Branch :

We respectfully inform you that we have concurred in your request for the meeting of the two Branches of the City Council in convention on Thursday, the 24th instant, at half past five o'clock, for the purpose of electing Directors to represent the interests of the city in the Baltimore and Ohio Railroad and Northern Central Railway Companies, Commissioners of Finance and Commissioners of Public Schools.

By order,

ALLEN E. FORRESTER, *Clerk*.

The Second Branch returned the ordinance entitled “A supplement to Revised Ordinance No. 33, entitled ‘An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances,’ ” endorsed “passed.” The Second Branch returned the resolution granting permission to Henry E. Huber to place a swinging sign in front of his printing office, No. 6 N. Charles street, and the resolution directing a gas lamp to be placed at the corner of Baltimore street and Tripolett’s alley, severally endorsed “concurred in.”

The following message was received from the Second Branch :

IN SECOND BRANCH,

*Baltimore, January 22, 1861.**Gentlemen of the First Branch:*

We respectfully inform you that we have concurred in your proposition for the appointment of a joint select committee, to take into consideration and report upon the expediency of additional legislation on the part of the corporation in reference to the encouragement and support of volunteer military companies within the city. We have appointed Messrs. Robb, Wilson and Marden as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

The President thereupon appointed Messrs. Phelps, Bouldin, and Nicholas, as the committee on the part of this Branch.

A report from the joint standing committee on the Fire Department, with a resolution granting permission to Frederick Hartung to erect a pottery on his premises on Hull street, Locust Point, were received from the Second Branch, read and laid on the table.

A report from the joint standing committee on the Fire Department, with a resolution granting permission to R. Barill to erect temporary sheds on the premises known as Waters' wharf, at the foot of Fell's street, Fell's Point, were received from the Second Branch and read.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

An ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance for inspecting weights and measures used within the City of Baltimore,'" approved June 5, 1858, was received from the Second Branch and read.

On motion of Mr. Staylor, the ordinance was read a second time, by special order.

Mr. Allen moved to amend the ordinance by striking out the words "and four and six o'clock, P. M.," in the tenth and eleventh lines, which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, it was passed.

Mr. Bolgiano offered the following resolution, which was read:

Resolved, by the First Branch of the City Council of Baltimore, That the Comptroller of the city of Baltimore be and he is hereby directed to inform this Branch as to the cost of cleaning the streets and removing the garbage for the years 1853, '54, '55, '56, '57, '58, '59 and '60, and the amounts received in the several years for the street dirt.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Bandel, the Branch adjourned until tomorrow afternoon, at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following resolutions were presented to the Mayor on the 19th instant:

Resolution to place flag-stones across Chester street.

Resolution to place flag-stones across Madison street.

Resolution directing the Comptroller to furnish each member of the City Council with a copy of the Maryland Code of Public Laws.

Wednesday, January 23d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Brown presented the petition of John Hulse and others, asking the enlargement of the sewers on Holliday and Saratoga streets, which was referred to the joint standing committee on Highways.

Mr. Bandel presented the report of the Baltimore Eastern Dispensary, asking the usual appropriation, which was referred to the joint standing committee on Health.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and an accompanying ordinance, which were read and laid on the table:

The joint standing committee on Ways and Means to whom was referred so much of the Mayor's recent annual message as relates to opening streets, and to the present mode of its being done, have seen the returns made to the First Branch showing the immense expense attending the present plan of having the object accomplished through the agency of officers whose obvious interest is to open all streets suggested by any applicant, whether advantageous or not, and to increase the time and expense of doing so, since a per diem allowance is made to them too often for an otherwise unaccountable length of time; and that the present mode of opening streets ought to be changed, as recommended by the Mayor; they therefore recommend the adoption of the accompanying ordinance.

J. S. NICHOLAS,

H. W. DRAKELY,

E. WYATT BLANCHARD,

First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,

Second Branch.

Mr. Meyers offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the City Commissioner be requested to inform this Branch of the probable cost of piling, bracing, &c., from Herring Bar, the Eastern Point and the other first point West of the Marine Hospital; said work to be capable of holding the sediment that may be placed therein, and report to this Branch as early as possible.

On motion of Mr. Meyers, the resolution was read a second time, by special order, and adopted.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Phelps moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Phelps and Tegmeyer, who repaired to the chamber of the Second Branch, and returned accompanied by the President and members thereof. The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the plat and other papers of George P. Frick, relative to the opening of Park street, be withdrawn from the files of the City Register, and delivered to said Frick.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Nicholas, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, January 24th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Bolgiano.

Mr. Bandel presented the petition of James T. Randolph, asking to be relieved from the payment of certain fines imposed by the Criminal Court of Baltimore city for a violation of the ordinance to prevent the erection of frame houses, &c., which was referred to the joint standing committee on Claims.

Mr. Staylor presented the petition of Charles W. Hiltz, captain of the Baltimore City Riflemen, asking an appropriation, which was referred to the joint select committee on Volunteer Military Companies.

Mr. Bandel presented the petition of the captains of sundry military companies of Baltimore, asking an appropriation, which was referred to the joint select committee on Volunteer Military Companies.

The following communication was received from the Mayor :

MAYOR'S OFFICE—CITY HALL,

Baltimore, January, 1861.

To the Honorable the members of the

First Branch of the City Council :

GENTLEMEN:—

I have approved of the following resolutions emanating from your body, viz :

Resolution to place flagstones across Chester street.

Resolution to place flagstones across Madison street, in front of the Warden's house.

Resolution directing the Comptroller to furnish certain books to each member of the City Council.

GEO. WM. BROWN, *Mayor.*

The President laid before the Branch the following communication from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, January 24, 1861.

*To the Honorable the Members of the First
and Second Branches of the City Council:*

GENTLEMEN :—

I herewith submit the report of the Board of Medical Gentlemen appointed by me to examine into and report on the health of the New Almshouse site, in accordance with the request of the Almshouse committee and the Board of Commissioners, and ask for it your due consideration.

Respectfully,

GEO. WM. BROWN, *Mayor*

[COPY.]

BALTIMORE, January 23d, 1861.

*To the Hon. GEO. WM. BROWN,**Mayor of Baltimore:*

DEAR SIR:—

The undersigned, appointed by you to examine the site recently selected for the new Baltimore Almshouse, beg leave to report as follows:

We have visited and inspected the ground selected for the purpose above named on the Philadelphia road, near Herring run. We concur in the opinion, that in regard to solubrity, the site is badly chosen. The foundation of the projected building is located in a basin surrounded partially by low hills, which throw the surface water directly toward it. On the side toward Herring run there is a gentle declivity terminating in the alluvial meadows through which the run flows. This slope is broken by a ravine, which commences near the foundation of the building and terminating in the run, conveys the surface water to that stream. Toward the run and the alluvial meadow the site is completely exposed. South of the Philadelphia road, and bordering on the run, is a marsh which at certain seasons must be productive of malarious exhalations. These would be conveyed by a southeast wind up the bed of the run and partially along the ravine directly to the site of the

projected building. In seasons unfavorable to the production of these malaria, little or no disease might result; but it would be very surprising if occasionally its effects were not seen in the production of intermittent and bilious fevers. Such causes also may be expected to render more malignant and fatal those epidemics which spring from specific causes.

There is on the property another more elevated and less insalubrious site, but not entirely free from the decided objections which exist to the present locality.

We cannot say with precision to what extent the objections to the site selected might be obviated, though certainly not in any great degree, by filling the ravine, and constructing in its course a culvert; and by planting a grove of trees on the slope towards Herring run.

With great respect,

Yours very truly,

N. R. SMITH, M. D.,

(Signed,)

ALEX. C. ROBINSON, M. D.,

CHS. H. BRADFORD, M. D.

On motion of Mr. Bouldin, the report was referred to the joint standing committee on the Almshouse.

Mr. Bandel moved the appointment of a committee to invite the Second Branch into convention for the purpose of electing Directors to represent the interests of the city in the Baltimore and Ohio Railroad and Northern Central Railway Companies, Commissioners of Finance, and Commissioners of Public Schools, which was determined in the affirmative, and the President appointed Messrs. Bandel and Chase, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof. The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom was referred the petition of Charles Meyers, asking to be refunded

money paid for removal of a fire plug, beg leave to submit the following resolution:

E. WYATT BLANCHARD,
JOHN J. STAYLOR,
JOHN BOLGIANO,

First Branch.

DECATUR H. MILLER,
JAS. B. GEORGE, SR.,
JOSEPH ROBB,

Second Branch.

Resolved by both Branches of the City Council, That the joint standing committee on Claims, to whom was referred the petition of Charles Meyers, asking to be refunded certain money paid into the city treasury, be discharged from the further consideration of the subject.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Phelps, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

Thr joint standing committee on Police and Jail, to whom was referred the petition of Valentine Foreman and others, for the placing of gas lamps on Townsend street, near Walsh street, and on Walsh street, near Townsend street, have made due inquiry concerning the same, and they are, therefore, of opinion that the request of the petitioners should be granted, and recommend the adoption of the following resolution:

CHARLES E. PHELPS,
HANNIBAL H. CHASE,
THOMAS J. BROWN,

First Branch.

WILLIAM DEAN,
FRANCIS W. ALRICKS,
JESSE MARDEN,

Second Branch.

Resolved, by the Mayor and City Council of Baltimore, That the City Commissioner be and he is hereby directed to have gas lamps placed on Townsend street, near Walsh street,

and on Walsh street, near Townsend street; the expense of the same to be provided for in the levy of 1861, for lamps and pillars.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

Mr. Phelps submitted the following preamble and resolutions, which were read and laid on the table:

Whereas, on the 2d day of November, 1859, being the day appointed by law for the election of members of Congress, of the State Legislature, a State's Attorney, Sheriff, and divers other officers, Adam Barklie Kyle, Jr., an esteemed citizen of Baltimore, was assaulted and brutally murdered by an armed band of ruffians, organized for the express purpose of achieving a political success by intimidation, fraud, and bloodshed, in which purpose they were seconded by the criminal connivance of sundry official authorities;

And, whereas, it is proper that this Council should place upon record the sentiment of the people of Baltimore in this behalf;

Resolved, That the public spirit and devoted bravery with which Adam Barklie Kyle, Jr., hazarded and lost his life in defence of the rights and liberties of himself and his fellow-citizens upon the occasion referred to, deserve and will receive the respect, admiration and gratitude of the people of Baltimore and their posterity.

Resolved, That the memory of Adam Barklie Kyle, Jr., should be perpetuated as that of a defender of Baltimore.

Resolved, That his honor the Mayor be and he is hereby authorized and requested, in consultation with the family of the deceased, to cause a suitable monument, with an appropriate inscription, to be erected to his memory in such convenient public locality as he may designate.

On motion of Mr. Staylor, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, January 25th 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Bolgiano.

The President presented the petition of James P. Archer, asking the passage of an ordinance to give effect to the charter of the Curtis Creek Wharf and Railroad Company, which was referred to the joint standing committee on Internal Improvements.

The President presented the petition of Louisa House, asking indemnification for damage done to her property on Camden street, which was referred to the joint standing committee on Claims.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,
Baltimore, January 25, 1861,

*To the Honorable the Members of the
First and Second Branches of the City Council:*

GENTLEMEN :—

I herewith submit for your consideration the Eighth Annual Report of the Commissioners appointed to provide for the removal of obstructions from the channel of the Patapsco river.

Respectfully,

GEO. WM. BROWN, *Mayor*.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, January 25, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk*.

Mr. Bandel moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

The Second Branch returned the resolution granting permission to Wm. G. Power, to construct a bay window in his dwelling, situated at the corner of Madison and Hoffman streets, and the resolution discharging the committee on the Fire Department from the further consideration of the petition of Thos. J. Hand & Co., severally endorsed "concurred in."

A report from the joint standing committee on Claims, with a resolution discharging the committee from the further consideration of the petition of Samuel and William Canby, were received from the Second Branch, read and laid on the table.

A report from the joint standing committee on Internal Improvements, with a resolution discharging the committee from the further consideration, at present, of the communication of the Directors on the part of the city of Baltimore in the Pittsburg and Connellsville Railroad Company, were received from the Second Branch, read and laid on the table.

The President laid before the Branch the annual statement of the City Register, which was referred to the joint standing committee on Ways and Means.

Mr. Bouldin called up the resolution appropriating sixteen thousand dollars to the House of Refuge, which was read and adopted.

Mr. Staylor offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the Chief Engineer of the Fire Department be requested to inform this Branch if the horses of said Department have been, or are ever used for purposes other than those designed by the ordinance creating said Department, if so, is it with his knowledge or concurrence.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas called up the ordinance entitled "An ordinance to abolish the offices of Commissioners for Opening Streets in the city of Baltimore, and to confer their powers on the Appeal Tax Court," which was read.

Mr. Nicholas moved to amend the ordinance by striking out all after the word "ordinance," in the fourth line, to the word

“who,” in the sixth line, in the second section, which was determined in the affirmative.

Mr. Nicholas moved to fill the blank in the ninth line of the second section with the sum of six hundred dollars.

Mr. Staylor moved, as a substitute, to fill the blank with the sum of five hundred dollars.

Mr. Meyers moved, as a further substitute, to fill the blank with the sum of one dollar.

Pending the question on the motion of Mr. Nicholas to fill the blank with six hundred dollars,

Mr. Crout moved to lay the ordinance on the table, which was determined in the affirmative.

The Second Branch returned the resolution relative to books furnished to members, endorsed “non-concurred in.”

Mr. Blanchard moved that a message be sent to the Second Branch proposing, with their concurrence, the appointment of a joint committee of conference on the resolution, which was determined in the affirmative.

Mr. Thomas moved that the vote by which the ordinance entitled “An ordinance to abolish the offices of Commissioners for Opening Streets in the city of Baltimore, and to confer their powers on the Appeal Tax Court” was laid on the table be reconsidered, which was determined in the negative.

The President presented an invitation to the Branch from the Managers of the House of Refuge, to visit the Institution on Friday the 1st proximo.

On motion of Mr. Staylor, the invitation was accepted.

Mr. Staylor offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Water Board be, and they are hereby authorized and directed to have the pump on the South side of Monument street, between Buren street and Liberty alley, put in proper repair; the expense of the same to be provided for in the annual appropriation for pumps for the year 1861.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be, and he is hereby directed to have a gas lamp placed at the corner of Madison and McKim streets; the cost of the same to be paid out of the annual appropriation for lamps and pillars for the year 1861.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Dixon offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the joint standing committee on Highways be instructed to examine into the condition of South Light street, from its intersection with Hamburg street south, as far out as it is paved, and report the same to this Branch.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Meyers, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, January 28th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Chase presented the petition of Peter Clautice, asking redress for an alleged excessive assessment of certain property, situated on Columbia street, which was referred to the joint standing committee on Claims.

Mr. Brown presented the petition of David Dickinson, asking to be allowed to use a small steam engine, in an alley, in the rear of his premises, No. 24 North street, for the purpose of exhibiting a patent centrifugal gun, which was referred to the joint standing committee on the Fire Department.

The President laid before the Branch the following communication from the City Comptroller, which was referred to the joint standing committee on Health:

COMPTROLLER'S OFFICE,
Baltimore, January 24th, 1861

To the President and Members of the

First Branch of the City Council:

GENTLEMEN:

In compliance with a resolution passed by your Honorable Body on the 22nd, requesting the undersigned to inform your Branch of the cost of cleaning streets and removing garbage, for the years 1853, 1854, 1855, 1856, 1857, 1858, 1859, and 1860.

I herewith present for your consideration the following statement, showing the amount paid for the aforesaid years; the present system went into operation on the 1st of April, 1853, embracing a period of nine months; also, the amounts received for garbage and manure for the years therein named.

1853.	Paid for cleaning streets and removing garbage from April 1st to Dec. 31st, 1853.....	\$26,289 03
	Received for manure and garbage...	\$3,749 72
1854.	Paid for cleaning streets and removing garbage	39,074 98
	Received for manure and garbage...	\$5,850 23
1855.	Paid for cleaning streets and removing garbage	42,944 32
	Received for manure and garbage...	\$4,202 00
1856.	Paid for cleaning streets and removing garbage	49,398 15
	Received for manure and garbage...	\$3,125 50
1857.	Paid for cleaning streets and removing garbage	46,399 52
	Received for manure and garbage...	\$3,080 00
1858.	Paid for cleaning streets and removing garbage	47,183 78
	Received for manure and garbage...	\$2,856 50
1859.	Paid for cleaning streets and removing garbage	50,779 87
	Received for manure and garbage...	\$2,456 75
1860.	Paid for cleaning streets and removing garbage	46,845 74
	Received for manure and garbage...	\$2,493 09

Respectfully submitted,

SAMUEL MACCUBBIN,

Comptroller.

The President presented to the Branch an invitation from the Children's Aid Society of Baltimore, to attend a public meeting of said Society this evening, in the Central Presbyterian Church.

Mr. Crout moved that the invitation be accepted, which was determined in the affirmative.

The Second Branch returned the resolution discharging the committee on Claims from the further consideration of the petition of Charles Myers, and the resolution directing the City Commissioner to have gas lamps placed on Townsend street, near Walsh street, and on Walsh street, near Townsend street, severally endorsed "concurred in."

The President laid before the Branch the following communication from the Board of Fire Commissioners, which was read and laid on the table:

BALTIMORE CITY FIRE DEPARTMENT.

OFFICE BOARD OF FIRE COMMISSIONERS,

Baltimore, *January 28, 1860.*

HON. JNO. C. BLACKBURN,

President First Branch of the City Council:

SIR:—

Accompanying this, we hand each member of your Honorable Body a copy of our Second Annual Report, and respectfully beg leave to call your attention to the ordinance creating this Department, commencing on page 69.

Respectfully yours,

JNO. CUSHING, *Pres't.*

By H. Fulton, Secretary.

Mr. Brown offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be, and he is hereby authorized and directed to have a gas lamp placed on the corner of Exchange alley and a private alley in the rear of warehouses on the north side of Exchange Place. The same to be provided for in the appropriation for lamps and pillars for the year 1861.

On motion of Mr. Brown the resolution was read a second time, by special order, and adopted.

Mr. Bouldin offered the following resolution, which was read and laid on the table:

Resolved, by the Mayor and City Council of Baltimore, That the Water Board be, and they are hereby authorized and directed to have the pump on the south side of Granby street, near Central avenue, put in proper order; the expense to be taken out of the appropriations for pumps for the year 1861.

Mr. Meyers moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Meyers and Brown, who repaired to the chamber of the Second Branch, and returned accompanied by the President and members thereof. The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Wolfe, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, January 29th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

The President laid before the Branch the following communication from the City Commissioner, which was referred to the joint standing committee on the Harbor:

CITY COMMISSIONER'S OFFICE,

Baltimore, January, 29, 1861.

*To the President and Members**of the First Branch City Council:*

GENTLEMEN:—

In answer to your resolution of enquiry requesting me to inform your Branch as to the probable cost of constructing suitable piling, bracing, &c., from Herring Bar, the eastern point, and the other first point west of the Marine Hospital, I respectfully reply, that to build a wharf six logs high on a double row of piles, driven three feet apart, sheet piled with six inch sheet piling sixteen feet long, and tied back with a double row of ties eight feet apart, the distance of forty feet, will cost about fifteen dollars per foot, (\$15.00.)

To build a wharf as above, placing the piles five feet apart, and using three inch sheet piling, with one row of ties running back forty feet, and one row running back twenty feet, will cost about eleven dollars per foot, (11.00.)

To build a *pen* with piles five feet apart, and tied back with ties forty feet long, and eight feet apart, sheet piled with six inch sheet piling, and covered two logs high, will cost about ten dollars per foot, (\$10.00 per foot); or, to build a pen as above, using three inch sheet piling, will cost about nine dollars per foot.

The wharf or pen can be built of any length that may be deemed necessary to hold the sediment, &c.

Respectfully submitted,

H. J. BAYLEY, *City Commissioner.*

The President presented to the Branch an invitation from the Ladies of the Light Street Methodist Episcopal Church Poor Society, to attend a lecture to be delivered by the Hon. John Cochrane, of New York, at the Maryland Institute on Wednesday evening, the 30th instant.

Mr. Bandel moved that the invitation be accepted, which was determined in the affirmative.

The President laid before the Branch the following communication from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, January 29, 1861.

To the Honorable the members of the

First Branch of the City Council:

GENTLEMEN:—

In answer to the resolution passed by your honorable body, on Monday the 21st instant, requesting information of the Water Board in relation to certain matters connected with the operations of that Department, I submit herewith, as Chairman of said Board, a Report from the Chief Engineer, to whom the matter embodied in your resolution was referred.

Respectfully,

GEO. WM. BROWN, *Mayor.*

OFFICE OF THE CITY WATER WORKS,

Baltimore, January 26, 1861.

HON. GEORGE WM. BROWN,

Chairman of the Water Board:

SIR:—

In response to an order of the Board, directing me to answer certain queries contained in a resolution of the First Branch of the City Council, which was addressed to the Board on the 21st instant, I respectfully submit the following:

1st Question.—What is the distance, in feet, between the Hampden reservoir and the Mount Royal reservoir?

Answer.—Six thousand and five hundred lineal feet.

2d. Question.—How many feet of pipes have been laid down, and how many remain yet to be laid down to complete the communication between the said reservoirs?

Answer.—Up to the 21st inst., thirteen thousand two hundred and fifty lineal feet of 30 inch main had been laid down and there still remained four hundred and fifty lineal feet to be laid in order to complete that portion of the pipe-line which lies between the two reservoirs; also, in addition to this, there had been five hundred lineal feet of 30 inch main laid down, and there still remained eight hundred feet to be laid in order to complete that portion of the pipe-line which lies between the Mount Royal reservoir and the city limits. Therefore, altogether, there have been laid down thirteen thousand seven hundred and fifty lineal feet of 30 inch main, and there still re-

main to be laid down twelve hundred and fifty feet of the same, in order to perfect the double line of conduit pipes which is required for a connection of the reservoirs with each other, and with the system of distributing pipes now laid down in the streets of the city, and terminating at the intersection of Mc-Mechin street and North Boundary avenue.

3d Question.—How many agents and employees are now engaged in laying down said pipes ; and how long have they been so engaged?

Answer.—For the purpose of explanation, I have first to state that the work has been, and is carried on under two distinct divisions of labor, namely:

First: The excavation and refilling of the pipe trench by contract.

Second: The distributing and laying down of the pipes by the direct employment of hands exclusively for that purpose.

The amount of force that has been in the employment of the contractors has fluctuated, from week to week, throughout the time which has been consumed in the accomplishment of their undertaking ; but, for the whole time, has averaged about eighty men and twelve horses per day, and on the 21st instant consisted of seventy men and twenty horses.

At the outset of the pipe laying (on the 1st of September last) and for six weeks or two months thereafter, the force engaged in this kind of work varied in number from fifty to one hundred men per day, but for the past three months its daily average has been about one hundred and thirty men.

On the 21st inst., this force consisted of a superintendent of pipe delivery 1; a superintendent of pipe laying 1; of caulkers and roll makers 38; of laborers (distributing and laying pipes) 93; of watchmen (employed at night only) 2—making an aggregate force of 135 men.

4th Question.—What has been the average cost per foot for the pipes so laid down—specifying separately the cost of pipe, materials and labor?

Answer.—The average cost per lineal foot of pipes already laid has been as follows: For pipes (inclusive of stop-cocks, curves, sleeves, &c.,) \$6.32; for proving pipes (cost of hydraulic presses, &c.,) 15 cents; for lead, packing-rope, tools and other materials,) 58 cents; for hauling and storing, re-hauling and distributing pipes, 47 cents; for excavating and re-filling trench, \$1.76; for laying down of pipes in trench, 60 cents—making the total cost, per lineal foot, \$9.88.

5th Question.—What is the earliest probable period when the supply of water from said Reservoirs will be introduced into the city?

Answer.—The necessary preparations for an introduction of

water to the higher service mains of the city from the Hampden reservoir are so nearly completed, that in favorable weather they could be finished in the space of ten days; but the present season is so very inclement that it may require twenty, or even thirty days to accomplish the object.

In regard to the Mt. Royal Reservoir, which, as a substitute for the present reservoirs of the old works, is intended for the exclusive use of the lower portions of the city, I have to say, that probably this part of the new works will be brought into use during the month of June next.

In the meantime the lower portions of the city will be supplied, as heretofore, from the old works—although, if it should at any time become necessary, or be deemed advisable to supply the entire city from the new works alone; this could be readily accomplished by simply opening the stop-cocks of the cross-lines which connect the upper and lower service mains, as already laid down in the streets.

Trusting that the above answers fully meet these questions, in all particulars, and that they may prove satisfactory to both Board and the City Council,

I remain, sir, with great respect,

Your obedient servant,

CHAS. P. MANNING, *Chief Engineer*.

Mr. Bandel offered the following resolution, which was read:

Resolved by the First and Second Branches of the City Council of Baltimore, That the joint standing committee on City Property be requested to inquire into the expediency of purchasing an iron safe for the safe keeping of the books and papers in the City Collector's office, and also the propriety of removing the brick partition in the office, and placing two windows in the south wall of the same, and to report by ordinance or otherwise.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

The President appointed Messrs. Blanchard, Drakely, and Staylor, as the joint committee of conference on the part of this Branch, on the matter of the disagreement between the two Branches on the resolution relative to books furnished to members.

Mr. Nicholas called up the ordinance entitled "An ordinance to abolish the offices of Commissioners for Opening Streets in

the city of Baltimore, and to confer their powers on the Appeal Tax Court."

The question pending, being the motion to fill the blank in the ninth line of the second section.

Mr. Nicholas moved, as an amendment, to strike out all after the word "ordained," in the first line of the second section, to the word "city" inclusive, in the thirteenth line, and insert in lieu thereof the following: "that the Assessor provided for by Ordinance No. 22, approved February 21, 1859, entitled 'An ordinance to provide for an Appeal Tax Court and Assessors of Tax, and to establish a Board of Arbitration,' who shall not be the clerk of the Appeal Tax Court under the said ordinance be, and he is hereby required to perform the duties which the clerk to the said Commissioners for Opening Streets is now required to perform, and shall receive, in addition to his present salary as Assessor, a salary of \$250 in full satisfaction for the services hereby required of him; to be paid as the salaries of other city officers are paid," which was determined in the affirmative.

Mr. Nicholas moved to further amend the section by striking out the word "advisable," in the nineteenth line, and inserting in lieu thereof the word "reasonable," which was determined in the affirmative.

Mr. Nicholas moved to further amend the section by striking out the word "damages," in the twentieth line, and inserting in lieu thereof the word "expenses," which was determined in the affirmative.

Mr. Blanchard offered the following as an additional section, to be styled section 3, which was adopted:

Section 3. And be it enacted and ordained, That there shall be assessed by the said Judges as part of the expenses for opening each street hereafter opened under the provision of this ordinance, a per diem of two dollars for each of the said Judges and the Clerk, to be collected as the other expenses are now collected, and to be applied to reimburse the City Treasury for all expenses incurred for salaries under this ordinance.

Mr. Nicholas moved to fill the blank in the sixth line of section four with the sum of twelve hundred dollars, which was determined in the affirmative.

The question recurring on the passage of the ordinance, as amended,

Mr. Bolgiano moved that it be laid on the table and printed as amended, which was determined in the affirmative.

Mr. Bolgiano offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the City Counsellor be, and he is hereby respectfully requested to inform this Branch whether the property purchased by the city, and now called Druid Hill Park is in fee, and whether the Mayor and City Council, have under the deed of conveyance a right to sell or lease a part or parts thereof, or the whole if they should deem such course advisable ; and to communicate further thereon, in so far as he may deem it needful for the information of the Branch.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order, and adopted.

Mr. Thomas offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the City Health Officer be, and he is hereby requested to order that the coal ashes hereafter accumulating in the southern part of the city, be deposited on the road leading to the Ferry Bar, with a view of improving the condition of said road, provided that it cost nothing extra to the city.

On motion of Mr. Bouldin, the resolution was laid on the table.

On motion of Mr. Bandel, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance and resolutions were this day presented to the Mayor :

A supplement to revised ordinance No. 33, entitled, " An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances."

Resolution granting permission to Henry E. Huber to erect a swinging sign.

Resolution directing the City Commissioner to have a gas lamp placed at the corner of Baltimore street and Tripolett's alley.

Wednesday, January 30th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Chase presented the petition of Dr. A. W. Colburn, asking compensation for surgical attendance on J. B. Richardson, a lamplighter, who was shot on the 21st of March, 1859, which was referred to the joint standing committee on Claims.

Mr. Dixon presented the petition of Henry Ballman and others, remonstrating against the propriety of dumping ashes and garbage on the Ferry road for the purpose of repairing it, which was referred to the joint standing committee on Health.

Mr. Hay presented the petition of William T. Marshall, architect of the New Almshouse buildings, asking payment for certain work already done by him, which was referred to the joint standing committee on the Almshouse.

Mr. Phelps offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Building Commissioners of the New Jail Buildings be, and

they are hereby instructed to prepare and submit forthwith for the information of this body, a detailed report of their proceedings from their appointment to the date of their report; said report to contain an account of all contracts made, work done, and materials furnished under their supervision, with copies of said contracts, if in writing; and also, all such other matters and things relating to the discharge of their official duties, as may be proper for the information of this body.

On motion of Mr. Phelps, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on the Fire Department, to whom was referred the petition of David Dickinson, asking permission to use a four horse power steam engine in an alley in the rear of his premises, No. 24 North street, for the purpose of exhibiting a patent centrifugal gun, beg leave to report that they have visited the locality, and are of the opinion that the property in the neighborhood will in no wise be endangered thereby, and that the request of the petitioner ought to be granted; they, therefore, offer the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,
First Branch.

JAS. B. GEORGE, Sr.,
ASA HIGGINS,
JOSEPH ROBB,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby granted to David Dickinson to use a portable steam engine of four horse power in the rear of his premises, No. 24 North street, for the purpose of exhibiting a patent centrifugal gun, the same to be removed at any time by the order of the Mayor.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, January 29, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your request for the appointment of a joint committee of conference

on the disagreement between the two Branches on the resolution in reference to returning to the Comptroller at the close of the annual session all the copies of the Maryland Code and ordinances of the corporation furnished for the use of the members. We have appointed Messrs. Robb, Dean and Swindell as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk*.

The Second Branch returned the resolution directing the City Commissioner to have a gas lamp placed at the corner of Madison and McKim streets, and the resolution directing the Water Board to have the pump on the south side of Monument street, between Buren street and Liberty alley, put in proper repair, severally endorsed "concurring in."

The ordinance entitled "An ordinance providing for the appointment of a keeper of refuse material belonging to the corporation," was received from the Second Branch, read and laid on the table.

A report from the joint standing committee on the Almshouse, with a resolution discharging the committee from the further consideration of the matter of awarding the contracts for the erection of the new Almshouse buildings, were received from the Second Branch, read and laid on the table.

The President presented to the Branch an invitation from the Junior Artillery Company to attend their annual ball on Tuesday evening, the 5th of February next, at the New Assembly Rooms in Hanover street.

On motion of Mr. Staylor, the invitation was accepted.

Mr. Nicholas called up the resolution discharging the joint standing committee on Internal Improvements from the further consideration of the communication of the Directors on the part of the City of Baltimore in the Pittsburg and Connellsville Railroad Company, which was read and concurred in.

Mr. Bouldin called up the resolution directing the Water Board to have the pump on the south side of Granby street, near Central avenue, put in proper order, which was read and adopted.

Mr. Dixon offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore,

That the joint standing committee on Highways be instructed to examine into the condition of Ferry Road, from its intersection with the paved street to Ferry Bar, and report the same to this Branch.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and adopted.

Mr. Wolf offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the joint standing committee on Highways be requested to examine into the condition of Eastern avenue, between Washington and Chester streets, and report the same to this Branch as early as practicable.

On motion of Mr. Wolf, the resolution was read a second time, by special order, and adopted.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Bandel moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Bandel and Chase, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof. The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

The Second Branch returned the resolution requiring the Building Commissioners of the New Jail buildings, to prepare and submit forthwith, for the information of the City Council, a detailed report of their proceedings, from their appointment to the date of their report; said report to contain an account of all contracts made, work done, and materials furnished under their supervision, with copies of said contracts, if in writing, and also all such other matters and things relating to the discharge of their official duties as may be proper for the information of the said City Council, endorsed "concurring in."

Mr. Staylor called up the resolution granting permission to

Frederick Hartung, to erect a pottery on his premises, on Hull street, Locust Point, which was read and concurred in.

Mr. Staylor called up the resolution granting permission to John O'Brien to erect six frame sheds in the rear of his houses, on Madison street, between Caroline and Dallas streets, which was read and adopted.

Mr. Blanchard called up the resolution discharging the joint standing committee on Claims from the further consideration of the petition of Samuel and William Canby, praying that certain taxes may be refunded, which was read and concurred in.

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, January 31st, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Yeisley presented a communication from James Button and others, property owners and residents in the vicinity of the New Almshouse property, protesting against the report of the Board of Medical Gentlemen appointed by the Mayor, to examine into and report on the healthfulness of the New Almshouse site, which was referred to the joint standing committee on the Almshouse.

Mr. Nicholas presented the petition of Joseph H. Bean and others, praying that the grade and mode of paving Liberty

street, at its intersection with Fayette street, may be changed, and the stepping stones on the south side of the last named street removed, which was referred to the joint standing committee on Highways.

Mr. Allen offered the following resolution, which was read and referred to the joint standing committee on Water:

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be, and he is hereby directed to have erected a steam fire plug at the northeast corner of Hanover and Pratt streets, in place of the wooden plug at that point; to be paid for out of the appropriation for fire plugs of 1861.

The resolution requesting the Mayor to issue his order to the Building Commissioners of the New Almshouse, directing them to suspend the work under their charge, until otherwise ordered by the Mayor and City Council, was received from the Second Branch read, and referred to the joint standing committee on the Almshouse.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Claims to whom was referred the communication from Allen E. Forrester, in reference to a Manual for conducting business in the City Council, compiled by him, recommend the adoption of the following resolution:

E. WYATT BLANCHARD,
JOHN BOLGIANO,
JOHN J. STAYLOR,

First Branch.

DECATUR H. MILLER,
JAS. B. GEORGE, Sr.,
JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized to pay to Allen E. Forrester the sum of seventy-five dollars, as a compensation for services rendered and expense incurred in the compilation of a Manual for conducting business, furnished by him to the

members; the amount to be provided for in the annual levy for 1861.

Mr. Bandel offered the following resolution, which was read and laid on the table:

Resolved by the First Branch of the City Council, That the City Counsellor be and he is hereby requested to furnish this Branch with his opinion relative to the power of the City Council to repeal the ordinance for the opening and widening of Holliday street, and to what extent the corporation will be liable for damages by a repeal of said ordinance, and such other information as may be of advantage to this body relative to the effect of the said contemplated repeal if consummated, and that the said City Counsellor be requested to furnish his opinion on these points at the earliest practicable opportunity.

The following communication was received from the Mayor :

MAYOR'S OFFICE—CITY HALL,
Baltimore, January 31, 1861.

*To the Honorable the Members of the First
and Second Branches of the City Council :*

GENTLEMEN :—

I have received from your honorable body an ordinance entitled “A supplement to revised ordinance, No. 33, entitled ‘An ordinance to enforce useful regulations, to restrain certain evil practices therein named, and to remove nuisances.’” The ordinance prohibits, under certain penalties, the erection hereafter of any building within the limits of the city, to be used as a distillery, or for the manufactory of any alcoholic or inflammable liquid. On examination of the ordinance, I am of the opinion that the restriction placed upon the manufactory of the articles named is, perhaps, too great, and would respectfully suggest that the ordinance be so amended as that any building may be hereafter erected for the purposes specified, without the limits of direct taxation, subject to the approval of the Mayor, and the same shall be removed within ——— months at his discretion.

Respectfully,

GEO. WM. BROWN, *Mayor*.

Mr. Meyers moved a reconsideration of the vote by which the ordinance entitled “A supplement to revised ordinance, No. 33, entitled ‘An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nui-

sances," was passed, which was determined in the affirmative; and the ordinance was laid on the table.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Wolf moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Wolf and Drakeley, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Bolgiano, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, February 1st 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Phelps presented the memorial of Dr. Hiram Greentree, coroner, asking for the erection of a dead house, which was referred to joint standing committee on Health.

Mr. Blanchard, from the joint committee of conference on the matter of disagreement between the two Branches of the City Council, in reference to returning to the Comptroller, at the close of the annual session, all the copies of the Maryland Code and ordinances of the corporation, furnished by him for the use of the members, submitted the following report and resolution, which were read and laid on the table:

The joint committee of conference on the matter of disagreement between the two Branches of the City Council, in reference to returning to the Comptroller at the close of the annual session, all the copies of the Maryland Code and ordinances of the corporation, furnished by him for the use of the members, beg leave to report that, in the opinion of the committee, it was not contemplated by the resolution requiring the copies of the Maryland Code to be furnished that they were to be constituted the individual property of the respective members of the Council, but were for their use as officers of the corporation, to be retained in their custody during the period of their term of service, and to be left by them, when their labors as Councilmen shall have terminated, for the use, in like manner, of those persons who shall be selected to succeed them. The committee are also of the opinion that, in order to carry out more fully the view above expressed, it is requisite that there should be constructed in the committee rooms, adjoining the Council chambers, suitable cases for the deposit and safe keeping of said copies of the Maryland Code and ordinances of the corporation, and that the same should be appropriately marked and placed in said cases at the close of the term of service of the respective members of the City Council, and the custody thereof confided to the Comptroller, who shall deliver said books to such persons as shall from time to time be elected to represent the several wards of the city in the Council. For the accomplishment of the object herein specified and designed, and that there may be no misunderstanding of the motives of the members of the Council in requiring the books aforementioned to be furnished by the Comptroller, the committee respectfully submit the annexed resolution, and recommend its adoption:

E. WYATT BLANCHARD,
H. W. DRAKELEY,
JOHN J. STAYLOR,

First Branch.

JOSEPH ROBB,
WM. DEAN,
WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby authorized and directed to have suitable cases constructed in the committee rooms adjoining the Council chambers, for the deposit of all the books which are now or may hereafter be furnished for the use of the members of the City Council, the cost of the same not to exceed the sum of one hundred and twenty-five dollars—said cases to be divided into compartments, which shall be numbered so as to correspond with the number of the wards of the respective members, and to be for their separate use while they remain members of the City Council, and for the use of those persons who shall be elected from time to time as their successors.

And be it further resolved, That all the books which are now or may hereafter be provided for the use of each member of the City Council shall be appropriately labelled, so as to designate the ward or wards represented by him, and that it shall be the duty of the Clerks of the two Branches, at the end of the term for which the members are respectively elected, to deposit all the books in the respective compartments aforesaid, and return the keys thereof to the Comptroller, by whom they shall be kept until the election and qualification of members to succeed those retiring, when they shall be delivered by him to the incoming representatives, and held by them during their term of service.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, February 1, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Meyers moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

The Second Branch returned the resolution granting permission to John O'Brien, to erect six frame sheds in the rear of his houses on Madison street, between Caroline and Dallas streets, endorsed "concurred in."

Mr. Yeisley offered the following resolution, which was read:

Resolved by both Branches of the City Council of Baltimore, That the joint standing committee on Highways be requested to examine into the condition of South Chester street, between Gough street and Eastern avenue.

On motion of Mr. Yeisley, the resolution was read a second time, by special order, and adopted.

Mr. Hay called up the resolution discharging the committee from the further consideration of the matter of awarding the contracts for the erection of the New Almshouse buildings, which was read and concurred in.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and an accompanying ordinance entitled "An ordinance to repeal all that part of an ordinance entitled 'An ordinance to condemn and open Carey street and Calhoun street, between the limits embraced by Lexington street and the Northern boundary of the city,' passed at the continued session of 1859, ordinance No. 112, approved September 20, 1859, so far as the said ordinance applies to all those parts of Calhoun street and Carey street, that lie between the southermost outline of the Catholic Cathedral Cemetery in Baltimore city, and the Northern boundary of Baltimore city," which were read and laid on the table:

The joint standing committee on Highways to whom was referred the petition of Wm. Frush and others, relating to Calhoun street; also the petition of M. Coward, against the opening of Calhoun street to the Northern boundary, agreeably to an ordinance passed at the continued session of 1859, ordinance No. 112, approved September 20, 1859, to open Carey and Calhoun streets, from Lexington street to the Northern boundary; and also the petition of M. McCoy and others, praying the repeal of the ordinance passed for the opening and condemning of Carey street, from Lexington street to the Northern boundary of the city of Baltimore.

Your committee beg leave to report, that they visited the premises and find, upon examination, that the portions of Carey and Calhoun streets which lie north of the southermost outline of the Cemetery of the Catholic Cathedral Church of Baltimore, are not required by public convenience to be opened at present. Your committee therefore respectfully offer this report and an

accompanying ordinance, repealing part of the ordinance passed at the continued session, A. D. 1859, ordinance No. 112, approved September 20, 1859.

OWEN BOULDIN,

JESSE HAY,

SOLOMON ALLEN,

First Branch.

ASA HIGGINS,

JOSEPH ROBB,

JESSE MARDEN,

Second Branch.

On motion of Mr. Crout, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, February 4th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Nicholas presented the remonstrance of James McCurley and others, against altering the grade of Liberty street, at its intersection with Fayette street, and removing the stepping stones on the south side of the last named street, which was referred to the joint standing committee on Highways.

Mr. Nicholas presented the petition of Alexander Geddes, asking to be allowed to place, at his own expense, a lamp post and lamp, near the curb stone on the footway opposite to his store, No. 30 North Eutaw street, which was referred to the joint standing committee on Police and Jail.

Mr. Thomas presented the petition of Smith & Curlett and others, asking for the deepening of Jones' Falls, which was referred to the joint standing committee on the Harbor.

Mr. Hay, from the joint standing committee on the Almshouse, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on the Almshouse, to whom was referred the petition of William T. Marshall, on the subject of a payment, at this time, to him of more money than he has already received, as architect of the new Almshouse, have had the same under consideration, and deeming the said application as entirely at variance with the terms and meaning of the ordinance under which it purports to be made, respectfully submit the following resolution for adoption:

JESSE HAY,

J. S. NICHOLAS,

GEO. W. WOLF,

First Branch.

ASA HIGGINS,

JOHN W. WILLSON,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the joint standing committee on the Almshouse be discharged from the further consideration of the petition of William T. Marshall referred to them.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,
Baltimore, February 4, 1861.

*To the Honorable the Members of the First
and Second Branches of the City Council:*

GENTLEMEN:—

I have approved of, and signed, the following resolutions emanating from your body, viz.:

Resolution directing the City Commissioner to have a gas lamp erected at the corner of Baltimore street and Tripolett's alley.

Resolution in favor of Henry E. Huber.

Respectfully,

GEO. WM. BROWN, *Mayor*.

Mr. Blanchard called up the resolution directing the Comptroller to have suitable cases, with compartments, constructed in the committee rooms adjoining the Council chambers, for the deposit of all the books which are now or may hereafter be furnished for the use of the members of the City Council and their successors in office, which was read and adopted.

Mr. Blanchard called up the resolution authorizing the Comptroller to pay to Allen E. Forrester the sum of seventy-five dollars, as a compensation for services rendered and expense incurred in the compilation of a Manual for conducting business, in the City Council, furnished by him to the members, which was read and adopted.

Mr. Staylor called up the resolution granting permission to David Dickinson, to use a portable steam engine of four horse power in the rear of his premises, No. 24 North street, for the purpose of exhibiting a patent centrifugal gun, which was read and adopted.

Mr. Nicholas called up the ordinance entitled "An ordinance to abolish the offices of Commissioners for Opening Streets in the city of Baltimore, and to confer their powers on the Appeal Tax Court," which was read.

Mr. Nicholas moved to amend the second section of the ordinance by striking out all after the word "receive," in the twelfth line to the word "him," in the fifteenth line, inclusive, and inserting in lieu thereof the following: "instead of the salary now allowed to him as assessor, a salary of \$850 per annum in full satisfaction of all services required of him as assessor and clerk," which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by substituting the following for the third section, which was determined in the affirmative:

Section 3. And be it enacted and ordained, That in each case of opening, straightening, widening, or closing any street, lane or alley under the provisions of this ordinance, the said

Appeal Tax Court shall, for every day in which they and the said clerk shall be actually and *bona fide* engaged in the performance of the duties hereby prescribed, assess as part of the expenses, a per diem, as to each judge thereof and the said clerk, of two dollars, to be collected as the other expenses are now required to be.

Mr. Nicholas moved to further amend the ordinance by adding after the word "city," in the last line of the fourth section, the following: "and to be in full satisfaction of the performance of said increased duties," which was determined in the affirmative.

The question recurring on the passage of the ordinance, the same, as amended, was passed.

Mr. Nicholas moved to amend the title of the ordinance by substituting the word "office" for the word "offices," and by inserting the word "the" before the word "commissioners," which was determined in the affirmative.

The following communication was received from the city Register and referred to the joint select committee on the City Passenger Railway Association:

REGISTER'S OFFICE,
Baltimore, February 4, 1861.

To the Presidents and Members of the

First and Second Branches of the City Council:

GENTLEMEN:—

The sixth quarter of the City Passenger Railway Association expired on Monday last, and as yet there has been no statement furnished me of the city's proportion, as required by ordinance No. 44 approved March 28th, 1859. I have received from said company on account of the city's share of receipts for the quarter ending October 28, 1859, but four thousand dollars, and according to statement furnished by the Treasurer, there is a balance due yet on that quarter of \$9,169 70.

With the highest respect,

JNO. A. THOMPSON, *Register.*

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Highways, to whom was referred the petition of Jonathan Meredith, asking the consent of the Mayor and City Council to enlarge the area in front of his premises, No. 43 Franklin street, have considered the same and respectfully submit the following resolution:

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,
First Branch.

JOSEPH ROBB,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby granted to Jonathan Meredith to widen the area in front of his property, No. 43 Franklin street, three feet, the same to be done at the sole expense of the said Jonathan Meredith and to the satisfaction and under the superintendence of the City Commissioner; provided he pays to the Register of the city the sum of twenty-five cents for each square foot contained in said area.

On motion of Mr. Bolgiano, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, February 5th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Thomas presented the petition of Patrick Mooney and others, asking to have the pump at the corner of Douglas and Chesnut streets repaired, which was referred to the joint standing committee on Water.

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Water, to whom was referred the resolution directing the Water Engineer to have a steam fire plug erected at the N. E. corner of Hanover and Pratt streets, beg leave to report that they have examined the subject and are of opinion that the improvement should be made, and present the following resolution :

THOS. J. BROWN,

J. H. TEGMEYER,

SOLOMON ALLEN,

First Branch.

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be and he is hereby directed to have erected a steam fire plug at the N. E. corner of Hanover and Pratt streets, in place of the wooden plug at that point ; to be paid for out of the appropriation for fire plugs for 1861.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on the Harbor would respectfully report that, in obedience to a resolution of inquiry to the City Commissioners, passed 23d January, they have received from said Commissioners the probable cost per foot of said piling and bracing, &c., and for the said report, we refer you to page 156 of the First Branch Journal. That report contained no information as to the number of feet between the two points, but we have obtained said information since, and find the number of feet to be about 3,200, and about 1,550 feet from Herring Bar to the wharf, and from said wharf to McCubbin Point, about 1,700 feet. Your committee recommend the shortest number of feet, say 1,550, to the platform or wharf of the Marine Hospital—said number of feet to be placed under contract, which we believe to be sufficient for present purposes and for two or four years to come, and recom-

mend the advertising for proposals by the Comptroller, said proposals to be reported to the City Council at as early a day as practicable. We therefore recommend the following resolution :

JACOB MYERS,
D. E. THOMAS,
JOHN A. J. DIXON,
First Branch.

WM. SWINDELL,
JESSE MARDEN,
WM. DEAN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller of the city be and he is hereby instructed to advertise for proposals to perform said different propositions, the work and material to be of the best quality, for the piling, bracing, &c., from Herring Bar to the platform or wharf of the Marine Hospital.

Mr. Blanchard, from the joint standing committee on City Property, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on City Property, to whom was referred the resolution directing an inquiry into the practicability of imposing a tax on all horses and carriages entering Druid Hill Park, submit the following report: That they have examined the subject covered by the resolution and are of opinion, that the Parks and Squares owned by the city of Baltimore should be absolutely free to all classes of our citizens, without distinction, and that the taxation contemplated by the resolution, if practicable, would be inexpedient. They therefore recommend the adoption of the following resolution:

E. WYATT BLANCHARD,
GEO. S. BANDEL,
THO. J. BROWN,
First Branch.

JAS. B. GEORGE, SR.,
WM. DEAN,
WM. SWINDELL,
Second Branch.

Resolved by both Branches of the City Council, That the joint standing committee on City Property, to whom was referred the resolution directing an enquiry into the practicability of imposing a tax on all horses and carriages entering Druid Hill Park, be discharged from the further consideration of the subject.

Mr. Bandel offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the Commissioners for Opening Streets at the time when the opening of Chase street from Aisquith street to the York road was determined upon by the Mayor and City Council (the Commissioners being Messrs. Peters, Evans and Murray) be requested to inform this Branch why said opening has not been consummated, as it is understood that the money was paid several years since; and the clerk of this Branch is directed to furnish said Commissioners with a copy of this resolution.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

Mr. Thomas offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be and he is hereby authorized and directed to have the pump at the corner of Eastern avenue and President streets, put in proper order, as at different seasons of the year it is with difficulty there can be any water obtained.

On motion of Mr. Thomas, the resolution was read a second time, by special order, and adopted.

Mr. Thomas offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be and he is hereby authorized and directed to have the dirt which has been accumulating for some thirty or forty years past on Forrest street, from Douglas street to Half-Moon alley, about one-half of a square in length, removed, as at this time it is difficult for any one to get along on wheels without upsetting, as that part of the street has never been paved and ought to be remedied.

On motion of Mr. Thomas, the resolution was read a second time, by special order, and adopted.

Mr. Myers offered the following resolution, which was read:

Resolved by the two Branches of the City Council, That the joint standing committee on City Property be respectfully requested to examine into the condition of the Marine Hospital and the adjoining buildings, and also the lot lately purchased as a site for a new Marine Hospital, and report to the Council at their convenience.

The Second Branch returned the resolution directing the Water Board to have the pump on the south side of Granby street, near Central avenue, put in proper order; the resolution requesting the joint standing committee on Highways to examine into the condition of South Chester street, between Gough street and Eastern avenue, and the resolution directing the City Commissioner to have a gas lamp placed on the corner of Exchange alley and a private alley in the rear of the warehouses on the north side of Exchange Place, severally endorsed "con-
curred in."

The Second Branch returned the resolution granting permission to David Dickinson, to use a portable steam engine of four horse power in the rear of his premises, No. 24 North street, for the purpose of exhibiting a patent centrifugal gun, endorsed "con-
curred in with proposed amendment."

Amendment proposed:

Insert after the word "resolved," in the first line, the words "by the Mayor and City Council of Baltimore."

On motion of Mr. Staylor, the Branch concurred in the amendment.

A report from the joint standing committee on Commerce, with a resolution authorizing the Comptroller to lease a suitable lot, as near as practicable to the Western Hay Scales, for the use of hay and straw wagons as a market, were received from the Second Branch, read and laid on the table.

A report from the joint standing committee on the Almshouse, with a resolution discharging the committee from the further consideration of so much of the subject of the condition of the Almshouse as relates to the matter of the burial of the dead, were received from the Second Branch, read and laid on the table.

A resolution directing the City Commissioner to have a gas

lamp placed on the corner of East and Low streets, was received from the Second Branch, read and laid on the table.

Mr. Bouldin called up the resolution granting permission to Jonathan Meredith, to widen the area in front of his dwelling, No. 43 Franklin street, three feet, which was read and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and an accompanying ordinance entitled "An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation," which were read and laid on the table:

The joint standing committee on Highways, to whom was referred that part of the Mayor's message referring to the appointing of a Board of City Commissioners and abolishing the office of City Commissioner and an Assistant City Commissioner, after mature deliberation and examination of the respective Ordinances relating thereto, and the examination of the duties appertaining to the Port Warden of the City of Baltimore, would respectfully suggest the propriety of abolishing the office of Port Warden and devolving the duties on the City Commissioners, as was heretofore performed by the City Commissioners, and as acting as Port Wardens, thereby saving to the city treasury, a considerable sum, and would therefore recommend the passage of the accompanying ordinance:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

JOSEPH ROBB,
JESSE MARDEN,
Second Branch.

Mr. Blanchard, from the joint standing committee on City Property, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on City Property, to whom was referred a resolution relating to the purchase of an iron safe, and to certain changes in the building occupied by the City Collector, respectfully report: That they find on examination that the existing fire-proof place of deposit is insufficient for the safe-

keeping of all the record books of the department. The construction of a vault for the purpose is not approved by the committee. There is no space within the building for the purpose, and if constructed as an addition to the existing building, it would be necessary to remove it to make way for any extension of the city buildings which may hereafter be required by public necessity. The committee are informed that a safe of moderate size will afford the necessary accommodation, and possesses the advantage of costing far less than would be expended in the erection of a vault. The committee will at a future day report on the other subjects covered by the resolution, which require further investigation. They recommend the adoption of the following resolution:

E. WYATT BLANCHARD,

GEO. S. BANDEL,

THO. J. BROWN,

First Branch.

JAS. B. GEORGE, SR.,

WM. DEAN,

WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized and required to purchase a suitable iron safe for the custody of the record books in the City Collector's office, at a cost not exceeding five hundred dollars, the same to be provided for in the annual levy for 1861.

Mr. Myers offered the following resolution, which was read and referred to the joint standing committee on Highways:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be and he is hereby directed to have flag-stones placed across Baltimore street from the north-west corner to the south-west corner of Baltimore and Durham streets, the expenses of the same to be taken out of the annual appropriation for flag and stepping-stones for 1861.

Mr. Phelps offered the following resolution, which was read and laid on the table:

Resolved by the First Branch of the City Council, That the City

Connseilor be and he is hereby requested to ascertain, for the information of this Branch, what judgments have been recovered and what suits are now pending against the Mayor and City Council upon the ground of negligence on the part of the corporation or its officers to discharge its statutory liabilities in regard to nuisances, &c., whereby damage has been sustained by the plaintiffs in their persons or property; and, further, to advise this Branch whether, in his opinion, the Mayor and City Council have or have not, in any or in all of such cases, a right of action over against those individuals by whose violation of the ordinances passed by the corporation to carry into effect its said legal duties and obligations the said damage primarily accrued.

On motion of Mr. Bandel, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, February 6th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Bolgiano and Tegmeyer.

Mr. Chase presented the petition of Elias Walker and others, asking to have stepping stones placed across Eutaw street from the corner of Little Montgomery street, which was laid on the table.

Mr. Chase offered the following resolution which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be, and he is hereby authorized and directed to have stepping stones placed across Eutaw street, to intersect with the south side of Montgomery street; the expense

of the same to be taken out of the annual appropriation for flag and stepping stones for 1861.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,
Baltimore, February 6, 1861.

*To the Honorable the Members of the
First and Second Branches of the City Council:*

GENTLEMEN:—

I submit herewith, for your consideration, a report from the Board of Police Commissioners, in relation to the amount of appropriation necessary for the current year.

Respectfully,

GEO. WM. BROWN, *Mayor*.

OFFICE BOARD OF POLICE,
Baltimore, February 5th, 1860.

To the Honorable the Mayor

and City Council of Baltimore:

The Board of Police have the honor to submit, and to certify to your honorable body according to law, the following estimate of the sums of money that will be necessary for the current fiscal year, commencing January 1st and ending December 31st, 1861, to enable them to discharge the duties imposed on them by law, viz:

The whole amount required for the current fiscal year aforesaid, will be two hundred and thirty-five thousand dollars..... \$235,000 00

Of which amount there has been levied by your honorable body, in the year 1860, for the first four months of the current year, viz: To the 30th April, 1861, the sum of seventy-six thousand one hundred and seventy-eight dollars and thirty-five cents..... 76,178 35

Leaving the amount of one hundred and fifty-eight thousand eight hundred and twenty-one dollars and sixty-five cents as the additional amount to be provided for the balance of the current fiscal year from the 1st May to the 31st December, 1861..... \$158,821 65

It was stated in the estimate of the Board of the 18th April, 1860, that the above named amount of \$76,178.35 would be required as follows, viz:

On the 7th January, 1861, the sum of \$8,228.15 and the like amount, at the expiration of every two weeks thereafter to the 29th April, inclusive, making in all for nine payments, of \$8,228.15 each, the sum of seventy-four thousand and fifty-three dollars and thirty-five cents..... \$74,053 35

And with the first payment thus called for to be made in February, 1861, the additional amount of two thousand one hundred and twenty-five dollars 2,125 00

Amounting to..... \$76,178 35

The remaining additional amount of one hundred and fifty-eight thousand eight hundred and twenty-one dollars and sixty-five cents (\$158,821 65), to be provided for the current fiscal year 1861, will be required as follows, viz: On the 13th of May 1861, the sum of eight thousand two hundred and twenty-eight dollars and fifteen cents (\$8,228 15), and the like amount at the expiration of every two weeks from that date, making from the 30th April to the 31st December, 1861, seventeen payments of \$8,228 15 each: or in all, the sum of one hundred and thirty-nine thousand eight hundred and seventy-eight dollars and fifty-five cents.

\$139,878 55

And there will also be required the further additional amounts following, viz:

With the first payment, called for as above, in May, 1861.....	\$3,500 00
With the second payment in May.....	1,500 00
With the first payment in June.....	1,500 00
With the second payment in June.....	1,500 00
With the first payment in July.....	1,500 00
With the second payment in July.....	500 00
With the first payment in August.....	3,500 00
With the second payment in August.....	850 00
With the first payment in September.....	968 10
With the second payment in September.....	500 00
With the third payment in September.....	300 00
With the first payment in October.....	225 00
With the second payment in October.....	2,500 00
With the last payment in December.....	100 00

Total extra amounts.....	\$18,943 10	18,943 10
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Making the total amount before stated of..... \$158,821 65
The several items for which the whole amount of two hundred

and thirty-five thousand dollars, will be required during the year 1861, are the following, viz :

For salaries and pay of officers and men of the permanent police force, including compensation of detectives	\$213,931 90
For salaries of commissioners and clerk, and office expenses	10,000 00
For expenses at station houses.....	6,000 00
“ do. at Marshal’s office.....	1,500 00
“ printing and advertising.....	300 00
“ compensation of four Police Justices, at \$100	400 00
“ incidentals and contingencies.....	2,868 10
Total.....	\$235,000 00

Respectfully submitted,

By order of the Board,

CHARLES HOWARD, *President*.

On motion, the Report of the Board of Police Commissioners was referred to the joint standing committee on Ways and Means.

The President presented to the Branch an invitation from the Young Men’s Christian Association of East Baltimore, to attend a Christian Union, to be held at the Maryland Institute, on Thursday evening next.

On motion of Mr. Crout, the invitation was accepted.

The following communication was received from the City Fire Department, and referred to the joint standing committee on the Fire Department:

CHIEF ENGINEER’S OFFICE,
Baltimore, February 6th, 1861.

*To the Honorable the President and Members
of the First Branch of the City Council:*

GENTLEMEN :—

I have the honor to acknowledge the receipt of a resolution adopted by your honorable body, requesting the “Chief Engineer of the Fire Department to inform this Branch if the horses of the said Department, have been, or are ever used for purposes other than those assigned by the ordinances creating said Department, if so is it with his knowledge or concurrence.”

My absence from the city on business connected with my office, is an excuse for not replying to your inquiry at an earlier date, and I now respectfully reply. That the horses of the

Baltimore City Fire Department are not now, nor have they been used for any other purpose than those designed by the Ordinance creating the Department.

The rules and regulations of the Board of Control of the Department are stringent in regard to matters of this kind, to which your enquiry extends. No property of any description, belonging to or in possession of the Department, can be loaned to any parties whatever, without the consent of the Board of Control of the Department. So stringent, indeed, are these rules, and so closely are they observed, that the Chief Engineer has himself been compelled to purchase a horse for his own use, in the discharge of the duties of his office.

The hostlers are required to exercise the horses under their care daily, unless they have been in service during the twenty-four hours previous, and the distances from the engine houses to which they are allowed to go, is also provided for and laid down in the instructions to the hostlers, and are strictly enforced by the Foreman of each company.

In connection with this matter, I would respectfully remark that the duties of the Chief Engineer very frequently require his attention at both extremes of the city at the same time, and to meet the requirements of the duties of the office, he has been compelled to purchase a horse. I think it but just that the Council should refund the money thus expended, and I hope the Honorable the City Council may, in their wisdom, make such an appropriation as may compensate me for the outlay here referred to.

Respectfully snbmitted,

CHAS. T. HOLLOWAY,

Chief Engineer.

The Second Branch returned the resolution directing the Comptroller to have suitable cases, with compartments, constructed in the committee rooms, adjoining the Council chambers, for the deposit of all the books which are now or may hereafter be furnished for the use of the members of the City Council and their successors in office, and the resolution authorizing the Comptroller to pay to Allen E. Forrester the sum of seventy-five dollars, as a compensation for services rendered and expense incurred in the compilation of a Manual for conducting business in the City Council, furnished by him to the members, severally endorsed "concurred in."

A report from the joint standing committee on the Fire Department, with a resolution granting permission to Hooper &

Cheeseborough, to erect frame sheds for the storage of guano, on their premises, at the lower end of Wolfe street, Fell's Point, were received from the Second Branch and read.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and concurred in.

Mr. Myers called up the resolution instructing the City Comptroller to advertise for proposals to do certain work in piling, bracing, &c., from Herring Bar to the platform or wharf of the Marine Hospital, which was read.

On motion of Mr. Staylor, the resolution was recommitted to the joint standing committee on the Harbor.

Mr. Phelps called up the resolution requesting the City Counsellor to inform this Branch what judgments have been recovered, and what suits are now pending against the Mayor and City Council, upon the ground of negligence on the part of the corporation or its officers, to discharge its statutory liabilities in regard to nuisances, &c., whereby damage has been sustained by the plaintiffs in their persons or property: and also to advise this Branch whether, in his opinion, the Mayor and City Council have or have not, in any or in all of such cases, a right of action over against those individuals, by whose violation of the ordinances passed by the corporation, to carry into effect its said legal duties and obligations, the said damage primarily occurred, which was read and adopted.

The following communication was received from the City Counsellor and referred to the joint standing committee on City Property:

Baltimore, February 6th, 1861.

To the President and Members of the

First Branch of the City Council:

GENTLEMEN:—

I have carefully examined the resolution and ordinance relating to the public parks, and also the conveyances of Druid Hill Park.

By the 8th section of Ordinance No. 60, passed 21st July, 1860, entitled "An ordinance to provide for a public park or parks," it is provided that the Park Commissioners "shall have power and authority to dispose of, by sale or otherwise,

any portion of the site or sites originally purchased, which may not be necessary for the purposes of said park or parks, as well as any crop, wood, trees, or other property that may be severable from the freehold, should it become necessary, in the improvement and maintenance of said park or parks so to do, in their judgment, and to make use of the avails thereof for the use of said park or parks—and the Mayor is hereby authorized to execute any conveyances, certified by the City Counsellor that may be requisite therefor; Provided, however, that the joint expenses of said improvement and maintenance shall not exceed in any year the net revenue that may be received under the provisions of this 8th section, together with the four-fifths of the remaining revenue, as set apart for this purpose in the fourth section of this ordinance.”

By the 9th section of this ordinance, further power is given to the Commissioners to make agreements in regard to division lines and enclosures, and the adjusting thereof, and making exchanges for that purpose; and they may also agree for the closing of public roads.

The power to dispose of, by sale or otherwise, will certainly authorize a sale or a lease for 99 years, renewable forever, or for any lesser period, or any other conveyance. This power, although sufficiently broad as to the mode of disposition, is, nevertheless, limited and confined to such portion of any site or sites originally purchased as may not be necessary for the purposes of said park or parks, and exists only where, in the opinion of the Park Commissioners, such disposition by sale, lease, or otherwise, may become necessary in the improvement and maintenance of the park or parks; and where such disposition is made, the avails thereof must be applied for the use of the said park or parks.

The manifest purpose was to preserve the parks, and to prevent any disposition of the property purchased under this ordinance inconsistent with such purpose. It was foreseen that in order to improve and maintain the Parks, it might become, in course of time, necessary to sell a lease or mortgage some portion of the lands purchased, and so far as the ordinance goes this power is reserved. It can, however, be exercised only to this extent.

There is no authority under this ordinance to dispose of the lands purchased for park purposes and to use the proceeds for other purposes.

The conclusion is that the lands purchased for park purposes under this ordinance, were designed to be applied exclusively for such objects, and that the power of disposal so far from militating against this view, was reserved to carry it into effect, and can be exercised only to the extent of providing a fund necessary to improve and maintain the Parks,

The Park ordinance, however worded, might, under ordinary circumstances, have been subject to modifications and changes at the pleasure of the Mayor and City Council, but as will be seen hereafter, the actual purchases under its authority have been so framed as to make perpetual the restrictions and limitations therein found, and as respects the principal property, that purchased from Lloyd N. Rogers, materially to increase them.

On the 27th September, 1860, Lloyd N. Rogers conveyed to the Mayor and City Council of Baltimore, their successors and assigns forever, for the consideration of \$484,036 25. all his property and lands situate in Baltimore county, northward and eastward of the Reisterstown turnpike road, estimated to contain about 473 acres, and also his interest in the lands of the Mount Vernon Cemetery Company, say one undivided fourth part of 64 acres; with the reservation to the said Lloyd N. Rogers of the family burial ground, containing one-half acre of land. In this deed from Lloyd N. Rogers are several important stipulations.

First. It sets forth the passage of the resolution appointing the Park Commissioners and of the Park ordinance, No. 60, and that the Commissioners have *selected for the purposes of a public park* the lands conveyed to them by the said Rogers, under the covenants and agreements therein mentioned.

Second. The Mayor and City Council a party signing the deed from Lloyd N. Rogers covenant "that the Park to be established on the lands and premises thereby granted shall be called and forever thereafter known as the Druid Hill Park."

Third. That the said Lloyd N. Rogers and those claiming under him should have a vendor's lien against the property conveyed by him to the Mayor and City Council of Baltimore to the extent of \$363,027 19, being for three-fourths of the purchase money. The entire purchase money of \$484,036 25 was paid in city certificates of six per cent. bonds or stock redeemable at the pleasure of the Mayor and City Council on or after the first day of September, 1860. They were 49 in number, of which 47 were each for the sum of \$10,000; one was for \$11,009 06 and one for \$3,027 19. In addition to the obligation of the Mayor and City Council, which is inherent to every stock it issues, by the 2d section of ordinance No. 60 the revenues derived and to be derived by the Mayor and City Council from the City Passenger Railway is pledged and set apart for the payment of the interest on the certificates of stock issued under that ordinance. By the 3d section one-fifth of the revenues from the City Passenger Railways, after payment of interest on the city stock, is to constitute a sinking fund for the redemption of the stock created by the ordinance; and the remaining four-fifths shall be paid by

the Register to the Park Commissioners as the same shall be received for the improvement and maintenance of the park or parks.

It will thus be seen that in making the arrangement with Mr. Rogers he has, in addition to his other securities, acquired a vendor's lien to the extent of \$363,027 19 against the property he conveyed, and that in the event of a sale or lease this lien against this entire property exists as well against the purchaser or lessee as against the Mayor and City Council.

There were other purchases made of outlaying lands, and as far as my examination has gone, they were from Henry Schultz, Miles White and Hugh Gelston, and all these conveyances show that they were made by the Public Park Commissioners in compliance with the provisions of the resolution and ordinance already referred to. These respective lots were conveyed to the Mayor and City Council of Baltimore and their assigns forever. There were some other parcels, the titles to which have not been completed, and to which therefore I need not refer.

The Druid Hill Park is under the conveyances held by the Mayor and City Council in fee. The Mayor and City Council of Baltimore, as such, have no power to sell or lease the whole of the Druid Hill Park, nor any part thereof, except to the extent already shown, and by and through the action of its agents, the Park Commissioners. This power of disposal, as respects the principal part (that purchased from Lloyd N. Rogers) can be exercised (subject to the vendor's lien, however) to the extent that may be necessary to improve and maintain the Park, and may be exercised with respect to the balance of this property in like manner without being subject to a vendor's lien. Such is the present condition of this property.

The various conveyances were approved of by Mr. Stirling, City Counsellor, and they seem to me to be all correct. The parties conveying had good titles and are *estopped* by their Deeds from questioning the title of the city of Baltimore.

I have now answered, as fully as I am able, all the matters enquired about. The delay in giving this answer has arisen from the difficulty of getting proper information.

Very respectfully,

GEO. M. GILL.

Mr. Blanchard called up the resolution discharging the joint standing committee on City Property from further consideration of the practicability of imposing a tax on all horses and carriages entering Druid Hill Park, which was read.

On motion of Mr. Myers, the resolution was laid on the table.

On motion of Mr. Wolf, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following resolutions were this day presented to the Mayor:

Resolution relative to the Building Commissioners of the New Jail buildings.

Resolution directing the City Commissioner to have gas lamps placed on Townsend street, near Walsh street, and on Walsh street, near Townsend street.

Thursday, February 7th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Tegmeyer.

Mr. Wolf presented the petition of George Horst, asking to be allowed to retain a wooden shed on his premises, which was referred to the joint standing committee on the Fire Department.

The President presented to the Branch an invitation from the Board of Trustees of the Baltimore City and County Almshouse, to visit the Institution on Wednesday next the 13th instant, at 12 o'clock M.

On motion of Mr. Myers, the invitation was accepted.

The following communication was received from Geo. Peters, and referred to the City Counsellor:

BALTIMORE, February 6, 1861.

To the Honorable the First Branch

of the City Council of Baltimore:

GENTLEMEN:—

In answer to your resolution of inquiry of the 5th inst., of the Commissioners for Opening Streets at the time when the opening of Chase street, from Aisquith street to the York road, was determined upon, as to "why said opening has not been consummated, &c., I would respectfully state that upon a certificate furnished to Mr. John Patterson, deceased, as the owner of the property lying in the bed of Chase street, the Register of the city paid him the amount of money awarded as damages for the taking of said property. At the same time Mr. Lewis Sherman and Mr. George Gammie, Jr., also claimed the right of ownership, and to receive the said award. They were then in possession; since which time Mr. Sherman died, leaving Mr. Gammie in possession, who has remained so up to this time. The rights of these parties are in progress of settlement by course of law.

The counsel of the parties in possession state that upon the termination of the suit, they will vacate and not before.

The Commissioners have no power to eject the occupants, they claiming to be the rightful owners, and not having received the compensation as awarded.

The late Counsellor of the city has had the matter in hand, but as yet he has not commenced any legal action to get possession. So soon as this legal difficulty shall be removed, the Commissioners will proceed at once to remove the obstructions in the bed of the street.

Respectfully submitted,

GEO. PETERS,

On behalf of the Commissioners.

Mr. Phelps, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

The joint standing committee on Police and Jail, to whom was referred the resolution authorizing the Comptroller to have gas mains placed along the bed of Valley street, from Neighbor to Eager streets, beg leave to report that they have carefully examined the matter referred to them, and state, that in their opinion, it is not expedient at this time that the said resolution should be adopted. They respectfully submit the following resolution:

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

JESSE MARDEN,

Second Branch.

Resolved by both Branches of the City Council, That the joint standing committee on Police and Jail, to whom was referred the resolution authorizing the Comptroller to have gas mains placed along the bed of Valley street, from Neighbor to Eager streets, be discharged from the further consideration of the subject.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin offered the following resolution, which was read and referred to the joint standing committee on Police and Jail:

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized and directed to have gas mains placed along the bed of East Falls avenue, from Granby street to Canton avenue, and along the west side of Central avenue from Lombard street to Canton avenue, and to have erected gas lamps and pillars in the places now used with oil lamps, and to be paid for out the appropriations for lamps and pillars for the year 1861.

Mr. Phelps, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

The joint standing committee on Police and Jail, to whom was referred the petition of Jas. P. Frames and others, praying the extension of gas mains to Greenmount avenue, north of Chase street, beg leave to report that after a careful examination of the subject they have come to the conclusion that such extension is not, for the present, expedient, and that oil lamps would suffice for the present wants of that locality. They would therefore report the following resolution:

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized to cause two oil lamps to be placed on Greenmount avenue, north of Chase street, the cost of the same to be taken out of the appropriation for lamps and pillars for 1861.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and adopted.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, February 7, 1861.

To the Honorable the Members of the First

and Second Branches of the City Council:

GENTLEMEN:—

I submit herewith a report, with accompanying documents, from the "Agents of the City of Baltimore for the liquidation of the McDonogh Estate," and would respectfully call your attention to Ordinance No. 65, of the ordinances passed at the sessions of 1859 and '60, by which the Mayor, the Presidents of the two Branches of the Council, and the President of the Board of Trustees of the Educational Fund, are constituted a committee to "examine all reports, documents, financial accounts, and other effects of the agents of the city of Baltimore."

Respectfully,

GEO. WM. BROWN, *Mayor.*

Baltimore, February 4, 1861.

To the Honorable

The Mayor and City Council of Baltimore:

GENTLEMEN:—

The undersigned, on behalf of himself and his colleagues, William S. Peterkin and Thomas L. Emory, agents of this city for the liquidation of the McDonogh Estate, has the honor to present to you the accompanying accounts and vouchers.—In doing so, he begs leave to add that, in consequence of the disturbed state of affairs in Louisiana at the present time, the agents have no report to make of further action under the ordinance of May 1858, since the report handed to the Council on the 5th of June 1860, and dated on the 7th of May of that year, at New Orleans. One of your agents (Mr. Emory) is a permanent resident of Louisiana, while the other two have visited it annually during the season at which their personal attention and services were useful, remaining there five, six, or seven months, accordingly as their presence was required. During the present disastrous winter, Mr. Peterkin, (who has other interests in that quarter,) has alone gone to New Orleans; but the disordered condition of Louisiana, especially in regard to *unimproved lands in rural districts*, entirely forbids any attempt to throw the remainder of our country property on so depressed a market. The land owned by Baltimore, and still unsold, consists of about one half of a valuable tract in the parish of Iberville, containing 1311²⁷/₁₀₀ acres; five small tracts adjacent, containing about 800 acres of inferior grade; and a body of 10,000 acres of low and swampy land in the parish of St. James, about fifty miles above the city of New Orleans.

The period of service of the colored people, hired with the “Allard Place,” as reported in 1859, having expired, we addressed the American Colonization Society in regard to their transportation to Africa; and we have the pleasure to inform you that the Society’s financial secretary at once apprized us that the necessary instructions would be sent to the agent at New Orleans to receive these people, and send them to Africa by the first opportunity. Upon their departure, our trust in regard to the slaves left by Mr. McDonogh, and their offspring born since his death, will be entirely completed in conformity with the resolutions of our Board at its final meeting in May 1859.

The suit brought, in 1859, by New Orleans against the city of Baltimore, for one half of a fee of \$100,000, agreed, in 1850, to be paid by New Orleans to four of her eminent lawyers, for the defense of Mr. McDonogh’s will against its opponents, has

been recently decided by the Supreme Court of Louisiana, on an Appeal, and resulted in a decree against our city for \$37,500 instead of \$50,000 demanded. During the administration of the estate *by the executors*, our city's share of the assets had already contributed considerable funds for the defense of the will; and, accordingly, when the claim was presented to your agents, they deemed it proper to take the opinion of counsel in regard to Baltimore's legal responsibility. As reported by us heretofore, that opinion was very decidedly adverse to the demand of New Orleans. Besides this, your agents did not consider themselves empowered to decide on the allowance of so considerable a sum on a claim arising long prior to the commencement of their administration. Still, we would have been willing that the city of New Orleans should bring the question directly to the attention of our city authorities; and it is quite probable that a spirit of comity and a sense of mutual obligations would have induced our Council to contribute what was demanded, and had been already paid by New Orleans for the successful defense of a will from which we derive so large a fund for educational purposes. New Orleans, however, resolved on bringing the suit at once; and though its result as to our responsibility is different from what we were authorized to expect from the opinion of eminent lawyers, yet the amount of that responsibility has been diminished \$12,500. The judgment has been satisfied.

The suit brought by Moses Fox, (mentioned in our last report,) for the recovery of \$300,000 claimed by the plaintiff from the two cities on an alleged codicil to Mr. McDonogh's will, was on trial in New Orleans, in the Court of original jurisdiction, at the date of the last communication from my colleagues. The circumstances under which this paper has been produced,—so many years after the death of Mr. McDonogh,—surrounded it with suspicion; so that it is hardly possible it will be sustained. We have, of course, taken steps to resist it; and have also to inform you that the city of New Orleans has deemed it advisable, at her own expense, to associate Messrs. Randell Hunt and Cyprian Dufour with our counsel in defending her interests from this long delayed attack.

The accounts herewith presented and submitted to you, embrace *two series* of documents belonging properly to our administration of this estate. Under the first appointment we had the honor to hold from this city, namely, the ordinance of 1854:

1st. Accounts of Receipts and Expenditures of the "General Estate of John McDonogh," by the Commissioners and Agents of New Orleans and Baltimore, from the 31st December, 1857, when the cash balance, in hand, of the fund *jointly* held by the two cities, was \$57,698.09, as will be seen by our Report to

the Council of 18th February, 1858. These accounts are marked A, B and C, and are taken from the books of the General Estate—accompanied by vouchers for all the payments. They show the balance of cash belonging to the *joint fund*, in the Union Bank at New Orleans, to be \$35.50, on the 31st July, 1859. I beg leave to observe that the vouchers to Account A (No. 1 to No. 27) belong to the papers of the General Estate, and having been borrowed from the archives in New Orleans, where they are deposited for mutual reference and protection, it is respectfully requested that they may be returned to the undersigned, after your inspection.

The vouchers of these accounts are contained in three packages, marked severally:—A, vouchers No. 1 to No. 27; B, vouchers No. 1 to No. 17; C, vouchers No. 1 to No. 13.

2nd. Accounts marked 1, 2, 3 and 4, being accounts current, to December 31, 1860, of the cities of New Orleans and Baltimore with the General Estate of John McDonogh, showing a balance due by Baltimore to New Orleans, on final settlement, of \$1,983.80. These accounts have been always and regularly kept, and the books containing them are deposited, for the security of the estate, in the custody of the city of New Orleans. In order that the present Council may understand the system under which the estate has been administered since the commencement of our official duties in 1855, I take the liberty to annex a copy of the Fundamental Rules which governed our action during the whole term of our service. (Doc. D.)

The presentation to you of all these accounts has only been delayed by our failure to induce the city of New Orleans, since the spring of 1859, to authorize some of her officers, or to appoint an agent, to make a final adjustment with us, so that we could pass mutual receipts in liquidation of our responsibility. This has been repeatedly requested by the agents of Baltimore, but they have hitherto been unable to effect a conclusive audit and pay the ascertained balance. In the meanwhile, they consider it due to you and to themselves, that these transcripts from the books of the estate should be deposited with this city, so that, by reference to our reports, documents, accounts and vouchers, presented in the years 1855, 1856, 1857, 1858, 1859, 1860 and 1861, a continuous chain of papers will exhibit every branch of our administration to the present day. Our Reports of 1859 and 1860, with the accompanying accounts and vouchers, exhibit, equally, every part of our administration, under the ordinance of May, 1858, from which we derive our present authority.

I have the honor to be, gentlemen, with great respect, your
obed't servant,

BRANTZ MAYER, for self, and
WILLIAM S. PETERKIN and
THOMAS L. EMORY,

Agents of the city of Baltimore for the liquidation
of the McDonogh Estate.

On motion of Mr. Bandel, the communication was referred to
the joint standing committee on the McDonogh Bequest.

Mr. Staylor, from the joint standing committee on the Fire
Department, submitted the following report and an ordinance
entitled "An ordinance supplementary to an ordinance entitled
'An ordinance to provide for the care and management of the
Police and Fire Alarm Telegraph, and for the protection of the
same,' approved June 24, 1859," which were read and laid on
the table:

The joint standing committee on the Fire Department, to
whom was referred the annual reports of the Board of Fire
Commissioners and the Chief Engineer of the Baltimore city Fire
Department, find that on page 13 of the report, the Chief
Engineer complains of considerable annoyance having been
experienced by the Department by false alarms of fire, caused
by persons having keys to the Telegraph Boxes, to which
they are not entitled, and recommending that authority be
given him, by an ordinance, to offer a reward for the apprehension and conviction of any person or persons who shall give, or cause to be given, any false alarm of fire, and also the infliction of a heavy penalty on all persons who shall have in their possession, or shall make or cause to be made, any key or keys of any fire engine or truck house, or fire alarm telegraph box without the consent of the proper authority, have had the subject under consideration; and are of opinion that great loss is suffered by the Department from the frequent running of the machinery, caused by false alarms; and that most stringent measures should be adopted to remedy the evil complained of. The committee, after consultation, would respectfully submit the accompanying ordinance:

JOHN J. STAYLOR,
JESSE HAY,

First Branch.

JAS. B. GEORGE, SR.,
ASA HIGGINS,
JOSEPH ROBB,

Second Branch.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Claims, to whom was referred the petition of Peter Clautice, asking a reduction of the assessment of certain property, respectfully report that they have considered the subject, and are of opinion that it is inexpedient for the City Council to undertake the correction of assessments, a duty imposed by law on the Appeal Tax Court. They submit the following resolution:

E. WYATT BLANCHARD,
JOHN J. STAYLOR,
JOHN BOLGIANO,

First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,

Second Branch.

Resolved, by both Branches of the City Council, That the joint standing committee on Claims, to whom was referred the petition of Peter Clautice, asking a reduction of the assessment of certain property, be discharged from the further consideration of the subject.

Mr. Phelps, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

The joint standing committee on Police and Jail, to whom was referred the petition of Alexander Geddes for permission to erect a lamp, at his own expense, opposite his store in North Eutaw street, have had the same under consideration, and respectfully recommend the adoption of the following resolution.

CHAS. E. PHELPS,
H. H. CHASE,
THOS. J. BROWN,

First Branch.

WM. DEAN,
F. W. ALRICKS,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby granted to Alexander Geddes to erect and use a lamp, at his own expense, near the curb stone, on the footway opposite to his store, No. 30, on the west side of North Eutaw street, provided the same shall be removed, at his own expense, within sixty days after notice to that effect shall have been given by the Mayor.

On motion of Mr. Phelps, the resolution was read a second time, by special order, and adopted.

Mr. Phelps, from the joint standing committee on Police and Jail, submitted the following report and an ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance for the erection and completion of the New Jail for the city of Baltimore,' " approved May 21, 1858, which were read and laid on the table:

The joint standing committee on Police and Jail, to whom was referred, among other things, so much of the Mayor's Message as relates to the New Jail, (*see First Branch Journal*, 73,) would respectfully submit the following report.

Your committee have visited the Jail upon several different occasions, and have made a thorough examination of the building. Their visits were unexpected by the Warden, who, nevertheless, received your committee with courtesy, and afforded them every facility in the discharge of their duties.

The site, location, design, architecture, and general exterior of the Jail building are sufficiently satisfactory. Upon these points your committee do not deem it necessary to add anything to what has been already said by the Mayor, on page 15 of his message, (*see First Branch Journal*, 60, 61,) and by the Visitors in their Annual Report for 1860, pages 6-8.

Nor do the undersigned deem it within their province to make extended comment upon the improvident, inconsistent and careless legislation of preceding Councils, which has needlessly involved the city in a pecuniary outlay entirely out of proportion to the necessary cost of the establishment. These are matters to be regretted,—not now to be remedied.

It is for us simply to take the building as it comes to us, to provide for the payment of actual liabilities which the city has legally incurred through the contracts of parties vested with authority to commit the city, to remedy existing defects so far as practicable, to arrest, if possible, the further prosecution of improper and extravagant designs, and to discharge, forthwith, those parties to whom responsibility attaches for the de-

fects hereafter specified, and who have shown themselves incompetent and unfit to be entrusted with the completion of the work now in progress.

The first and fundamental requisite of a prison is *security*. As a fortress, it should be impregnable to assaults from *without*; as a prison, it should be secure from all attempts to escape from *within*. Its cells are destined to receive criminals of all grades, and among them the most accomplished, ingenious and desperate. Convicted murderers are to be confined there, and during the time which intervenes between the sentence of death and its execution, their minds are occupied with the chances of escape, and every expedient which a cunning sharpened by terror can suggest, will be tried with a desperate boldness and perseverance.

Impressed with this conviction, your committee attached paramount importance to the following suggestion in his Honor's Message, (page 15,) and gave to the matter therein mentioned their earliest and most careful attention:

"An important defect prevails in the entire *brick work* of the interior, composing the walls of the cells, the mortar of which contains so insufficient a proportion of lime that it *never can harden*, and the walls may therefore be *easily cut through* with a sharp instrument. Nothing except constant vigilance can guard against such an occurrence, but even if the prisoner should succeed in escaping from his cell, he would still be confined by the outer wall."—(*See First Branch Journal*, page 61.)

The undersigned at once proceeded to investigate the alleged defect, and have to report that it does in fact exist to a startling extent. Unless the cells are daily, and, indeed, almost hourly inspected by the officers, it would be perfectly practicable for any prisoner to establish a communication with those confined in the cells on either side, and in rear of his own, by cutting through the mortar, which is of about the consistency of sand when taken from the quarry, and removing the bricks. A communication being thus established, which might extend throughout the range of an entire corridor, and, indeed, if not discovered in time, throughout a whole wing, (the brick floors being laid in the same defective mortar, and removable with even greater facility than the walls,) it would not be difficult to organize a general plan of escape, the success or failure of which would depend more upon the judicious selection of an opportunity for carrying it into effect, than upon the inherent strength of the building itself. And, in this connection, it is proper to advert incidentally to a proposed feature in the plan, which will be more particularly referred to hereafter. His Honor states, that "the jail-yard will be surrounded by a wall surmounted

by a *high iron railing*, and now being constructed for the contract price of \$14,200." (*Message*, page 15, see *First Branch Jour.*, p. 61.) Your committee are informed, and believe, that this *outer wall* will be in fact scarcely more than a common curbing for an iron fence, and that therefore the sole protection for the jail yard will be this *open grating* of iron. If this plan is permitted to proceed to completion, the result will be as follows: 'The prisoners confined in the lower corridor of cells, facing west, being on the ground floor, can see directly through the gratings in front of their cells, through the gratings which guard the lower windows in the outer wall of the jail, and and through this open iron fence beyond, and thus *correspond by signals* with confederates outside the yard. So that by a combination of two gross and unpardonable blunders, the constructors of the jail have given prisoners the benefit, not only of a feasible chance of communication *among themselves*, but of correspondence with their luckier companions without, and a skillfully contrived *stampede* might in this way be seconded by a strategic demonstration of allied rescuers.

But this is not all. The same glaring defects which his honor has pointed out in the partition walls of the cells, and which exists also in the floors, pervades, so far as your committee could explore, "the entire brick work of the interior" (in the language of the message,) with the exception of the *lower corridor* of cells, and in a very marked degree, the floors, arches, and vaulted ceilings of the *sink rooms*, in each of the *four corner towers*. (For a description of these sink rooms and their uses see *Annual Report of Visitors of Jail for 1860*, p. 4.) And in this connection, the undersigned would take occasion to dispose of the communication of Thomas C. James, Warden of the Jail, requesting an investigation into certain charges preferred by the Grand Jury against the management of the Jail in respect to cleanliness, &c., which was referred to this committee on the 7th January, (see *First Branch Jour.*, pp. 68, 69.) The sink rooms above mentioned, your committee found in a filthy condition, and while the undersigned cannot wholly exonerate the Warden from censure, believing that with proper efforts on his part the state of things complained of by the Grand Jury might, to *some extent*, have been improved, they yet, in justice to that officer, feel bound to say that no amount of energy or attention of his can possibly prevent those sink rooms, as at present arranged, from becoming a nuisance. If the floors and arches had been properly laid in *cement*, so as to be impervious to water, no difficulty would have arisen. But being laid in *mortar*, and that of the *poorest quality*, the waste liquid penetrates the floors, soaks the walls, and will, if the mischief be not promptly checked, in course of time disintegrate the mason work, and en-

danger the safety of the towers themselves. This Jail has already afforded a precedent for the tumbling down of a wall, and that too, in a place where no such cause existed as that now referred to.

In his Annual Message, dated January 17, 1859, his honor, Mayor Swann, in speaking of the New Jail, then in course of erection, said: "The contract has been undertaken by one of the most reliable mechanics in our city, and the work is going forward to the *entire satisfaction of the committee appointed by the Council*. We have reason for congratulation that this heavy contract has fallen into such *competent hands*." (*Message*, pp. 8, 9.)

In his annual message, dated January 16, 1860, his Honor, Mayor Swann, communicates the following intelligence: "The Jail has been completed and is now occupied, the prisoners having been transferred from the old building at the commencement of the present year. It cannot fail to conduce largely to the public convenience, *insuring the most perfect security at all times*, besides affording facilities for a more vigilant supervision over the morals of its unfortunate inmates. The building is not surpassed by any in this country, embracing every improvement which could be introduced as appropriate to such an institution. The improved plan of the building is due to Messrs. T. W. & J. M. Dixon, Architects. The work has been executed in a *most faithful and skillful manner*, and I will add, in a spirit of becoming *liberality* towards the city. It is but just that I should bear my testimony to the exemplary conduct of the excellent contractors, Messrs. J. W. Maxwell & Sons."—*Message*, page 20–21.

From the above conclusions of the late Mayor, your committee beg leave most respectfully to dissent, and to say, upon their personal examination of the mode in which the entire interior of the structure has been built, with reference to the all-important points of *security* and *safety*, that the parties responsible for it, instead of its commendation so lavishly bestowed upon them, deserve the severest reprobation. In the opinion of the undersigned, it will be a subject for grave consideration, whether an entire *re-building* of the partition walls, and *re-construction* of the floors of the cells and corridors, and of the floors, arches and walls of the four corner towers, will not be *absolutely necessary*, not only looking to adequate security, so far as the confinement of prisoners is concerned, but even to the *safety of the structure itself*. The delay, inconvenience, and enormous additional expense to which this proceeding would subject the city, should the alteration be deemed indispensable, will be properly chargeable to the faithlessness and rapacity of the contractors upon the work in question, and

to the incompetency or connivance of the building committee, whose duty it was to protect the interests of the city.

In addition to the gross and glaring defects already noticed, an inspection of the Jail led to the discovery of several minor deficiencies, which will now be indicated.

The ground floors of the lower corridors and kitchen are deficient in point of *drainage*. These floors should have been well laid in cement, and so graded as to admit of easy cleaning by the simple application of a hose pipe.

All the washing of the establishment is done in the *kitchen*, an arrangement obviously improper, especially when it is considered in what condition the clothes of such persons as become the inmates of a Jail for the reception of criminals, vagrants and paupers, are likely to be presented for cleaning. A separate department should be provided for this purpose.

The general *ventilation* of the building has been made a matter of special commendation, and the arrangements for ventilating the *cells* appear to answer the purpose intended, so far as regards those prisoners who have intelligence or prudence enough to avail themselves of the means provided. The ventilation of the central hall, or guard room, however, might be improved, as well as that of the kitchen directly below.

The arrangements for *heating* the Jail by steam appear to answer the purpose satisfactorily. Upon the occasions of the visits of your committee, the temperature was kept at too high a point for health. The undersigned would suggest that economy in the cost of fuel might perhaps be better consulted by providing a *scale* for weighing coal as it is brought to the boiler house. The large consumption of this article would seem to make such a precaution prudent. Your committee intend to cast no reflection upon the parties who furnish the jail, but make the suggestion a general one.

The *lower windows* of the Jail are not properly secured. Proper bolts and fastenings should be supplied to all of them, to prevent access to the inmates of liquor and improper communications from without. This is particularly important in the absence, for the present, of any outer wall. Your committee thought the frame door leading to the chapel insecure, and that an iron one should be substituted.

The ventilator in the chapel, which is the only one in the building, except those in the cells, finds its outlet in the garret. Your committee think it should be conducted through the roof.

A portion of the cellar under the north wing of the Jail was discovered to be in a foul and offensive condition from the defective state of the discharge pipes in that vicinity. This evil, if not soon remedied, will seriously affect the health of the inmates.

Under the 3d section of ordinance No. 28, of 1858, a building committee was appointed by the late Mayor of the six following persons, to wit: Robert Sullivan, Amos McComas, Lemuel Bierbower, ——— Muller, Silas Beacham and James H. Wood. In the places of Messrs. Bierbower and Muller, resigned, were appointed E. S. Lambdin and Wm. E. Beale. These commissioners were intrusted with the protection of the interests of the city in the construction of the new Jail. They were to serve gratuitously. Several of them were members of the Council at the time of their appointment. No report of their proceedings has yet been made to the Mayor and City Council, but a resolution has been recently adopted by your Honorable Body, at the instance of your committee, calling upon them for such a report. Your committee are informed by one of the commissioners that the boiler house was erected by Amos McComas, at a cost of \$1,500, and the brick work of the interior contracted for and built by a brother of said McComas. From the same source they learn that the work upon the jail buildings was approved and passed by the said commissioners about a year ago. Your committee report herewith an ordinance repealing the section of the ordinance under which said commissioners were appointed, and authorizing the Mayor to appoint a building committee of three to oversee the completion of the work in and about the Jail Buildings.

Your committee are of opinion that the iron fence now in course of construction is an improper enclosure for a jail yard, and that a substantial stone wall of equal height should be substituted. But as the discontinuance of the work, which is now in advanced stage, would probably involve the city in a heavy loss, your committee are of opinion that the matter should be left to the discretion of the new building committee to be appointed by the Mayor, in conformity with the ordinance herewith submitted.

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

The Second Branch returned the resolution granting permission to Jonathan Meredith, to widen the area in front of his property, No. 43 Franklin street; the resolution authorizing the Water Engineer to have the pump on the corner of Eastern av-

enue and president street put in proper order; and the resolution requesting the joint standing committee on City Property to examine into and report upon the condition of the Marine Hospital, and the lot purchased as a site for a new Marine Hospital, severally endorsed concurred in.

Mr. Crout called up the resolution authorizing the Comptroller to lease a lot in the vicinity of the Western Hay Scales, to be used by hay and straw wagons as a market, which was read.

Mr. Staylor moved to amend the resolution by inserting after the word "practicable," in the fourth line, the words "and also to lease or purchase a lot as near the Eastern Hay Scales as practicable."

Pending the consideration of the amendment,

Mr. Thomas moved to lay the resolution on the table, which was determined in the affirmative.

The President laid before the Branch the following communication from the City Counsellor:

Baltimore, 4th Feb., 1861.

To the President and Members of the

First Branch of the City Council.

GENTLEMEN:—

A resolution has been presented in your Branch, which, if passed, will make it my duty to express an opinion as to the power of the City Council to repeal the ordinance to widen Holliday street.

I am directly interested in the matter of opening or widening Holliday street. The ordinance was passed on the 21st October, 1858, at which time I owned two houses, one on the east and the other on the west side of that part of Holliday street between Fayette and Baltimore streets, and which houses will be taken down if the ordinance be not repealed; one of the houses I still own, and the other I sold, but received only a small part of the purchase money, and for the balance I have a lien on the property.

The Commissioners to open streets sold on the 31st January, 1859, the materials of the houses to be pulled down and a narrow slip of land not wanted in the widening.

I became the purchaser of the material of the two houses owned by me, and gave bond, with security, to pay when the

Commissioners should be prepared to give possession, and also to have the houses removed. Under these circumstances, I would greatly prefer that I should be excused from expressing an opinion on the question of the power to repeal this ordinance.

The question is one of difficulty and importance, and there is a difference of opinion in relation to it among professional gentlemen.

I do not wish to avoid any labor, or to shrink from any responsibility, but being directly, and in a pecuniary point of view, interested in this matter, it has seemed to me to be proper to make this communication.

Yours, very respectfully,

GEO. M. GILL.

Mr. Bandell called up the resolution requesting the opinion of the City Counsellor in relation to the power of the corporation to repeal the Ordinance providing for the opening and widening of Holliday street, which was read.

Mr. Bandell moved to amend the resolution by substituting the following in lieu thereof:

Resolved by both Branches of the City Council of Baltimore, That the Mayor be, and he is hereby requested and empowered to procure the opinion of such counsel as he may deem advisable in regard to the power and authority of the City Council to repeal the Ordinance heretofore passed for the widening of Holliday street, from Fayette to Baltimore street, and opening said street to Exchange Place, as well as to the liability of the city for damages in case of such repeal, and in regard to such other matters connected therewith as he may think desirable, and communicate the same to the Council.

Pending the consideration of the amendment,

Mr. Blanchard moved to lay the resolution on the table, which was determined in the affirmative.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read:

The joint standing committee on health to whom was referred the petition of John G. Spies, asking that the ashes from the southern part of the city hereafter be deposited on the road leading to the Ferry Bar, in order to improve said road, having con-

sidered the same, are of the opinion that it would be injurious and offensive to the people living in that vicinity on account of the garbage being mixed with the coal, and they therefore recommend the adoption of the following resolution:

D. E. THOMAS,

JOHN BOLGIANO,

H. H. CHASE,

First Branch.

JOHN W. WILLSON,

WM. DEAN,

ASA HIGGINS,

Second Branch.

Resolved by both Branches of the City Council, That the joint standing committee on Health be and they are hereby discharged from the further consideration of the subject of the said petition.

On motion of Mr. Thomas, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom was referred the petition of Louisa House, praying relief from a nuisance therein named, after examination of the subject, are of opinion that it should be examined by the City Commissioner, and that he should report to the City Council on the subject. They submit the following resolution:

E. WYATT BLANCHARD,

JOHN J. STAYLOR,

JOHN BOLGIANO,

First Branch.

JAS. B. GEORGE, Sr.,

JOSEPH ROBB,

Second Branch.

Resolved, by both Branches of the City Council, That the City Commissioner be and he is hereby directed to examine into the condition of the Charles Street Spring Lot, and the

drainage thereof, and whether its present condition is such as to do injury to adjacent property, and to report to the City Council.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Claims, to whom was referred the petition of James T. Randolph, praying that certain fines may be remitted, and that he may be allowed to retain certain property in its present condition, respectfully report, that the fines referred to do not exceed the sum of \$20 each, though they amount in the aggregate to \$80; that by Ordinance No. 55, on page 215 Revised Ordinances 1858, the authority to remit fines not exceeding \$20 is conferred upon the Mayor; and the committee are of opinion that the petitioner should make his application for relief to the Mayor, and that the City Council should take no action on so much of the petition as relates to fines. Nor do the committee think it advisable to grant the prayer of the petitioner, that he may be permitted to retain his property in its present condition, and be released from further responsibility for violation of the ordinances of the city. His case has certain features of hardship, it is true; but it has been fairly heard and determined in the Courts, and the present condition of his property has been decided to be in violation of our ordinances for the prevention of destructive fires. To grant the prayer of the petition, to set aside the verdict of the jury, and officially authorise a violation of law, would, in the opinion of the committee, encourage others to violate its provisions, and seriously embarrass the officers charged with the enforcement of the ordinances. They recommend the adoption of the following resolution:

E. WYATT BLANCHARD,
JOHN J. STAYLOR,
JOHN BOLGIANO,

First Branch.

JAS. B. GEORGE, Sr.,

Second Branch.

Resolved by both Branches of the City Council, That the

joint standing committee on Claims, to whom was referred the petition of James T. Randolph, asking to be relieved from the payment of certain fines, and to retain certain property in its present condition, be discharged from the further consideration of the subject.

On motion of Mr. Nicholas, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*

Friday, February 8th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Tegmeyer.

Mr. Hay informed the Branch that Mr. Tegmeyer was detained at home by sickness.

Mr. Staylor presented the petition of Henry Orndroff, asking to have refunded certain taxes and expenses paid by him, which was referred to the joint standing committee on Claims.

The President presented the petition of Elnathan Lincoln, asking compensation for damages done to his property by the overflow of water in July, 1859, at the southeast corner of Saratoga and Chatsworth streets, which was referred to the joint standing committee on Claims.

The following communication was received from the Building Commissioners of the New Jail Buildings, read and laid on the table:

To the Members of the First and Second

Branches of the City Council:

GENTLEMEN :—

We notice in the morning papers a report of the joint standing committee on Police and Jail of your Council, which is, under the circumstances, of a most extraordinary and unjustifiable character.

In it are charges made of a refusal or neglect on the part of the Commissioners superintending the erection of the New Jail, to make a report to the Council of their proceedings; when the fact is, that up to this moment not one of the Commissioners has ever received a notice of any such desire on your part.

Your committee also proceed to make certain charges of incompetency against the Commissioners; and also what is of a much more serious character to them—grave insinuations are made of connivance on the part of the Commissioners with contractors, &c., to wrong the city. All this has gone to the people without your committee thinking it necessary to even make known to the Commissioners the fact that the committee were dissatisfied with the manner in which the Commissioners have performed their duties, or doing the Commissioners the justice to give them an opportunity to defend themselves from the charges which your committee have so recklessly spread before the public. The Commissioners, some ten or twelve days since, received a notice to meet the committee of Police and Jail at 6 o'clock on a certain evening; but one of whom received the notice in time, he attended, and the chairman of the committee stated that in consequence of the lateness of the hour at which the Council adjourned on that evening, there would be no meeting of the committee. But that a notice would be sent to the Commissioners when their presence would be desired, since which time the Commissioners have heard nothing on the subject. We submit to the Council whether this is exactly the way to treat citizens who have, without pay, been for three years giving their time and attention to this matter, and so far at least as they were *competent*, doing the best they could for the interests of the city. The Commissioners, if desired, will make to the Council a report of their proceedings at their earliest convenience. In the mean time they consider that they have been grossly wronged by the report, and ask that a full and *fair* investigation be made.

Respectfully,

ROBERT SULLIVAN,

Chairman of Commissioners.

Mr. Phelps, from the joint standing committee on Education, submitted the following report and resolution, which were read:

The joint standing committee on Education to whom was referred the petition of John N. M'Jilton, applying for a certificate to the Governor for the purpose of obtaining a warrant for the admission of Peter Duffy, a deaf mute, into the Pennsylvania Institution for the instruction of the Deaf and Dumb, have examined the matter referred to them, and are of the opinion that the case is a proper one for the granting of the relief prayed. They recommend the adoption of the following resolution:

CHAS. E. PHELPS,

GEO. S. BANDEL,

JACOB MYERS,

First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That Peter Duffy, a deaf mute of the city of Baltimore, who is under twenty-one years of age, of sound mind, and in indigent circumstances, be and he is hereby recommended to the Governor of the State of Maryland, as a beneficiary under the new Code of Maryland, article 33.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin called up the ordinance entitled "An ordinance to repeal all that part of an ordinance entitled 'An ordinance to condemn and open Carey street and Calhoun street, between the limits embraced by Lexington street and the Northern boundary of the city,' passed at the continued session of 1859, Ordinance No. 112, approved September 20, 1859, so far as the said ordinance applies to all those parts of Calhoun street and Carey street that lie between the southernmost outline of the Catholic Cathedral Cemetery in Baltimore city and the Northern boundary of Baltimore city," which was read and passed.

Mr. Blanchard called up the resolution discharging the joint standing committee on Claims from the further consideration of the petition of James T. Randolph, which was read and adopted.

Mr. Blanchard called up the resolution discharging the joint standing committee on Claims from the further consideration of the petition of Peter Clautice, which was read and adopted.

Mr. Staylor gave notice of his intention to ask leave to introduce an ordinance entitled "A supplement to revised ordinance No. 33; entitled 'An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances.'"

Mr. Brown called up the resolution directing the Water Engineer to have erected a steam fire plug at the northeast corner of Hanover and Pratt streets, in place of the wooden plug at that point, which was read and adopted.

Mr. Crott moved that a message be sent to the Second Branch, proposing, with their concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock, which was determined in the affirmative.

Mr. Hay called up the resolution discharging the joint standing committee on the Almshouse from the further consideration of so much of the subject of the condition of the Almshouse as relates to the matter of the burial of the dead, which was read and concurred in.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read:

The joint standing committee on the Harbor would respectfully report, that in obedience to a resolution of inquiry to the City Commissioner, passed 23d January, they have received from said Commissioner the probable cost per foot of said piling and bracing, &c., and for the said report we refer you to page 156 of the First Branch Journal. That report contained no information as to the number of feet between the two points, but we have obtained said information since and find the number of feet to be about 3,200, and about 1,550 feet from Herring Bar to the wharf, and from said wharf to McCubin Point about 1,700 feet. Your committee recommend the shortest number of feet, say 1,550, to the platform, or wharf, of the Marine Hospital; said number of feet to be placed under contract, which we believe to be sufficient for present purposes and for two or four years to come, and recommend the advertising for proposals by the Comptroller, said proposals to be

reported to the City Council at as early a day as practicable. We therefore recommend the following resolution :

JACOB MYERS,

D. E. THOMAS,

JOHN A. J. DIXON,

First Branch.

WM. SWINDLL,

JESSE MARDEN,

WM. DEAN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller of the city be and he is hereby instructed to advertise for proposals to perform said different propositions. The work and materials to be of the best quality used in said Piling, Bracing, &c., from Herring Bar to the Platform, or wharf, of the Marine Hospital and report to the two Branches of the Council, said proposals for confirmation or otherwise.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

Mr. Staylor offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be, and he is hereby directed to have erected a steam fire plug on Front street, immediately opposite High street, in place of the wooden plug now at that point; to be provided for in the appropriation for fire plugs for 1861.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Thomas called up the resolution directing the City Commissioner to have a gas lamp placed on the corner of East and Low streets, which was read and concurred in.

Mr. Bandel called up the resolution requesting the opinion of the City Counsellor in relation to the power of the corporation to repeal the ordinance providing for the opening and widening of Holliday street.

The question pending being the motion of Mr. Bandel to

amend the resolution by substituting the following in lieu thereof, it was determined in the affirmative:

Resolved by both Branches of the City Council of Baltimore, That the Mayor be, and he is hereby requested and empowered to procure the opinion of such counsel as he may deem advisable in regard to the power and authority of the City Council to repeal the ordinance heretofore passed for the widening of Holiday street, from Fayette to Baltimore street, and opening said street to Exchange Place, as well as to the liability of the city for damages in case of such repeal, and in regard to such other matters connected therewith as he may think desirable, and communicate the same to the Council.

The question recurring on the adoption of the resolution, as amended, it was determined in the affirmative.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, February 8, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Nicholas, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following resolutions were this day presented to the Mayor:

Resolution granting permission to John O'Brien, to erect six frame sheds in the rear of his houses on Madison street, between Caroline and Dallas streets.

Resolution granting permission to Wm. G. Power, to erect a bay window on his dwelling, at the corner of Madison and Hoffman streets.

Resolution directing the Water Board to have the pump on the south side of Monument street, between Buren street and Liberty alley, put in proper repair.

Resolution directing the City Commissioner to have a gas lamp placed at the corner of Madison and McKim streets.

Monday, February 11th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Tegmeyer.

Mr. Dixon presented the petition of Catharine Hooch, asking that a certain piece of leasehold property which she holds in common with another, from the corporation, be properly divided, so that she can hereafter pay her portion of the ground rent directly into the city treasury, instead of paying it to the

person with whom she jointly holds said property, which was referred to the joint standing committee on City Property.

Mr. Phelps presented the petition of Francis A. Crook and others, asking to have a gas lamp placed on McCulloh street, north of Townsend street, one on Townsend street, between Madison and McCulloh streets, and one on Ross street, at its intersection with Mosher street, which was referred to the joint standing committee on Police and Jail.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and an ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to provide for the appointment of Superintendents of Streets, and to prescribe their duties,'" approved May 31, 1858, which were read and laid on the table:

The undersigned, joint standing committee on Health, to whom was referred so much of the Mayor's message as related to the cleaning of streets and collection of Garbage, &c., by contract instead of the present system, respectfully report that after mature and earnest consideration they believe that the present system is the true and most advantageous one to the health, comfort and enjoyment of the people and to the sanitary condition of the city, and from the fact that the contract system having heretofore been tried by our city authorities and found to be incapable of meeting the wants of the community, they hesitate upon making the experiment again, believing that the present system properly cared for and the present law modified that in the end the city will be materially benefitted pecuniarily and sanitarily, they therefore submit an accompanying supplement to the ordinance for your consideration.

D. E. THOMAS,
JOHN BOLGIANO,

H. H. CHASE,

First Branch.

JOHN W. WILLSON,
ASA HIGGINS,

Second Branch.

Mr. Blanchard, from the joint standing committee on City Property, submitted the following report and resolution, which were read:

The joint standing committee on City Property, to whom was referred the petition of J. Shaaff Stockett, Trustee, praying that certain errors in the deeds of the City Collector may be corrected, respectfully report that they find, after comparison of the plats deposited in the office of the City Comptroller, with the descriptions of the property conveyed, that there is a clear and manifest misdescription of two lots heretofore sold by the authority of the city, and conveyed by the City Collector. They recommend the adoption of the following resolution:

E. WYATT BLANCHARD,

GEO. S. BANDEL,

THOS. J. BROWN,

First Branch.

JAS. B. GEORGE, SR.,

WM. DEAN,

WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Auditor be and he is hereby authorized and directed to execute to J. Shaaff Stockett, Trustee, or join with said Stockett in the execution of such deed or deeds of confirmation or conveyance as may be requisite to correct the descriptions of lot No. 79 on the plat of Ogston street in the City Comptroller's office, which was conveyed to Romulus R. Griffith by John J. Barry, Collector, by deed dated November 16th, 1852, and of Lot No. 673, on the plat marked "B," returned with the proceedings of the Criminal Court of Baltimore city in the matter of the opening of Broadway, which was conveyed to the said Romulus R. Griffith by Charles Howard, Collector, by deed dated April 24th, 1854; provided, that all expenses of such conveyance or conveyances shall be paid by the said J. Shaaff Stockett, Trustee.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Thomas offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Water Commissioner be and he is hereby authorized and directed to have the pump on East street, between Fayette and Douglas streets, put in good order, the expense of the same to be taken out of the annual appropriation for repairs of pumps for the year 1861.

On motion of Mr. Thomas, the resolution was read a second time, by special order, and adopted.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,
Baltimore, February 11th, 1861.

*To the Honorable the Members
of the First Branch of the City Council:*

GENTLEMEN :

I have approved of, and signed the following Resolutions emanating from your body, viz:

Resolution relative to the Building Commissioners of the New Jail.

Resolution directing the City Commissioner to have gas lamps placed on Townsend street, near Walsh street, and on Walsh street, near Townsend street.

Resolution relative to a certain pump on Monument street, between Buren street and Liberty alley.

Resolution in favor of John O'Brien.

Resolution in favor of Wm. G. Power,

Resolution directing the City Comptroller to have a gas lamp placed at the corner of Madison and McKim streets.

Respectfully,

GEO. WM. BROWN, *Mayor.*

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,
Baltimore, February 11th, 1861.

*To the Honorable, the Members of the First and
Second Branches of the City Council of Baltimore:*

GENTLEMEN :—

As Chairman of the Board of Park Commissioners I respectfully submit the enclosed communication from them, extending an invitation to your Honorable body to visit Druid Hill Park, and would ask, that should the invitation be accepted, you will please inform the Board at what time it may be agreeable for you to make the visit.

Respectfully,

GEO. WM. BROWN.
Chairman Board Commissioners.

At a meeting of the Park Commission, held at the Mayor's office, February 5th, 1861, it was, among other proceedings,

Resolved, That the Mayor and City Council be respectfully invited to visit the Park at such time as may suit their convenience, when the Commission will hold themselves in readiness to attend them.

True copy from the minutes,

JNO. H. B. LATROBE,

Secretary.

On motion of Mr. Staylor, the invitation was accepted.

Mr. Bouldin offered the following resolution, which was read and laid on the table:

Resolved by the First Branch of the City Council of Baltimore, That the City Collector be and he is hereby requested to inform this Branch, if the bills for City and State taxes for 1860 were delivered to each person or their agent, before the 1st of August last, and the time and place of delivery noted; and if the written or printed notices (as required by the Ordinance approved December 16th, 1859,) were delivered to each person, who had not paid his or her taxes, on or before the first day of November last, as required; and what amount of costs, for distraints, has been collected and to whom paid, from tax payers, since the 1st day of February by the bailiffs in his office.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the City Commissioner be and he is hereby requested to furnish this Branch with an estimate of the cost of constructing a sewer across Holliday street from the N. E. intersection of said street and Saratoga street to the South-west intersection thereof, and the cost of enlarging the mouth of the present sewer on the north side of Saratoga street, and also the cost of repaving the cross street.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution discharging the joint standing committee on Police and Jail from the further consideration of the resolution authorizing the Comptroller to

have gas mains placed along the bed of Valley street, from Neighbor to Eager street; the resolution granting permission to Alexander Geddes, to erect and use a lamp, at his own expense, near the curbstone, on the footway, opposite to his store, No. 30 North Eutaw street; the resolution directing the City Commissioner to examine into the condition of the Charles street spring lot and the drainage thereof, and whether its present condition is such as to do injury to adjacent property, and to report to the City Council, and the resolution discharging the joint standing committee on Health from the further consideration of the petition of John G. Spies, severally endorsed "concurred in."

The Second Branch returned the resolution authorizing the Comptroller to have two oil lamps placed on Greenmount avenue, north of Chase street, endorsed "concurred in with proposed amendment."

Amendment proposed:

Insert after the word "Council," in the first line, the words "of Baltimore."

On motion of Mr. Staylor, the Branch concurred in the amendment.

A report from the joint standing committee on Ways and Means, with a resolution appropriating sixteen thousand dollars to the House of Refuge, was received from the Second Branch, read and laid on the table.

A report from the joint standing committee on Highways, with a resolution discharging said committee from the further consideration of the petition of Henry White and others, was received from the Second Branch, read and laid on the table.

An ordinance entitled "A supplement to an ordinance entitled 'an ordinance to preserve the health of the city of Baltimore,'" approved 27th July, 1858, was received from the Second Branch, read and laid on the table.

Mr. Staylor asked and obtained leave to introduce an ordinance entitled "A supplement to revised ordinance No. 33, entitled 'an ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances,'" which was read and laid on the table.

Mr. Boulden called up the ordinance entitled "An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation," which was read.

Mr. Drakeley moved to amend the first section of the ordinance by striking out the words "is engaged or connected with," in the eleventh line, and inserting in lieu thereof the words "gives personal attention to," which was determined in the affirmative.

Mr. Blanchard moved to further amend said section of the ordinance by striking out the word "other," between the words "any" and "business," in the twelfth line, which was determined in the affirmative.

Mr. Blanchard moved to amend the second section of the ordinance by striking out the words "department of the City Commissioner shall include," in the second and third lines, and inserting in lieu thereof the words "City Commissioners shall perform all the duties now by law imposed on the City Commissioner and Assistant City Commissioner except as hereinafter provided, including," which was determined in the affirmative.

Mr. Bolgiano moved that the ordinance be laid on the table, which was determined in the affirmative.

Mr. Bolgiano offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the Comptroller be and he is hereby respectfully requested to inform this Branch what amount of money has been collected during the last four year for taxes for highways and bridges outside of direct taxation ; what amount has been expended for these purposes, and whether any of these taxes have been used for other purposes, and by whose authority.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Nicholas, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, February 12th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Tegmeyer.

Mr. Blanchard presented the petition of Wm. D. Dunham, asking permission to build a first class livery stable on Howard street, north of Richmond street, which was referred to the joint standing committee on the Fire Department.

Mr. Nicholas presented the remonstrance of Joseph H. Bean against the petition of George Horst, heretofore presented to this Branch, asking to be allowed to retain a wooden shed on his premises, which was referred to the joint standing committee on the Fire Department.

Mr. Allen, from the joint select committee to whom was referred the accounts of the Health Commissioner, submitted the following report and resolution, which were read:

The undersigned, the joint select committee, to whom was referred the accounts of the Health Commissioner, respectfully report, that they have performed the duty assigned them, and find the accounts correct with vouchers properly attested. They would further remark that the original vouchers are all in the hands of the Comptroller, who has passed upon the correctness of the charges, and given checks upon the Register for payment. They therefore, respectfully submit the following resolution:

SOLOMON ALLEN,
JOHN BOLGIANO,
H. CROUT,

First Branch.

WM. SWINDELL,
ASA HIGGINS,
WM. DEAN,

Second Branch.

Resolved by both Branches of the City Council, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Allen, the resolution was read a second time, by special order, and adopted.

The following communication was received, read, and laid on the table:

BALTIMORE, February 9, 1861.

To the Honorable, the City Council of Baltimore:

GENTLEMEN:—I see by the published statement from the committee on Police and Jail, that my name is used as being one of the Building Committee of the Jail. I wish to state to you, by this note, that I have never held any office or appointment of any description, either for honor or profit under the city government, State or General Government in all my life. I make this public statement in order to correct a wrong impression that may go abroad.

Yours, very respectfully,

JAMES N. MULLER.

Mr. Bouldin called up the ordinance entitled "An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation."

Mr. Bouldin moved to amend the fourth section by striking out the word "of," in the fourth line, and inserting in lieu thereof the word "by," which was determined in the affirmative.

Mr. Bouldin moved to fill the blank in the fifth and sixth lines of said section by inserting the words "five thousand," which was determined in the affirmative.

Mr. Bouldin moved to fill the blank in the seventh line of the same section by inserting the words "twelve hundred."

Mr. Bolgiano moved, as a substitute, to insert the words "one thousand."

The question recurring on the motion of Mr. Bouldin to fill the blank by inserting the words "twelve hundred," it was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Bolgiano:

Yeas—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Staylor, Brown, Nicholas, Blanchard, Phelps, Drakeley, Allen, Chase, Dixon, Hay, and Crout—18.

Nay—Mr. Bolgiano—1.

Mr. Bouldin moved to fill the blank in the third line of the eighth section by inserting the words "nine hundred," which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by striking out the words "when applied to," in the fourth line of the ninth section, and inserting in lieu thereof the words "upon application in writing," which was determined in the affirmative.

Mr. Phelps moved to further amend the ordinance by inserting after the word "owners," in the second and sixteenth lines respectively of the tenth section, the words "lessee or lessees," which was determined in the affirmative.

Mr. Blanchard moved to further amend the said section by striking out the word "is," in the tenth line, and inserting in lieu thereof the word "are," which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by striking out the words "shall have full power and authority, and they," in the second and third lines of the eleventh section, which was determined in the affirmative.

Mr. Bolgiano moved to further amend the said section by adding at the end thereof the words "the same to be paid over to the Register of the city," which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by striking out the seventeenth section, which was determined in the affirmative.

The question recurring on the passage of the ordinance, the same as amended, was passed.

The Second Branch returned the resolution recommending Peter Duffy, a deaf mute, under twenty-one years of age, of sound mind and in indigent circumstances, to the Governor of Maryland as a beneficiary; the resolution discharging the joint standing committee on Claims from the further consideration of the petition of Peter Clautice; the resolution discharging the joint standing committee on Claims from the further consideration of the petition of James T. Randolph; the resolution requesting the Mayor to procure the opinion of such coun-

sel as he may deem advisable in regard to the power and authority of the City Council to repeal the ordinance for the opening and widening of Holliday street, as also the liability of the city for damages in case of such repeal; the resolution directing the Water Engineer to have erected a steam fire plug at the northeast corner of Hanover and Pratt streets in place of the wooden plug at that point, and the resolution directing the Water Engineer to have erected a steam fire plug on Front street, immediately opposite High street, in place of the wooden plug now at that point, severally endorsed "concurred in."

A report from the joint standing committee on Highways, with a resolution discharging said committee from the further consideration of the petition of William D. Miller, was received from the Second Branch and read.

On motion of Mr. Hay, the resolution was read a second time, by special order, and concurred in.

The Second Branch returned the ordinance entitled "An ordinance to repeal all that part of an ordinance entitled 'An ordinance to condemn and open Carey street and Calhoun street, between the limits embraced by Lexington street and the Northern boundary of the city,' passed at the continued session of 1859, Ordinance No. 112, approved September 20, 1859, so far as the said ordinance applies to all those parts of Calhoun street and Carey street that lie between the southernmost outline of the Catholic Cathedral Cemetery in Baltimore city and the Northern boundary of Baltimore city," endorsed "concurred in."

The following communication was received from the Mayor, read and laid on the table:

MAYOR'S OFFICE—CITY HALL,

Baltimore, February 12, 1861.

*To the Honorable, the Members of the First and
Second Branches of the City Council:*

GENTLEMEN :—

I submit herewith for your consideration, a report from the "Commissioners appointed to superintend the erection of the New Jail."

Respectfully,

GEO. WM. BROWN, Mayor.

Baltimore, February 12th, 1861.

To the Honorable the Mayor and

City Council of Baltimore:

GENTLEMEN:—

The Commissioners appointed to superintend the erection of the new Jail, respectfully report:—That on the 31st day of May, 1858, an ordinance was approved by the Mayor, directing the City Commissioner to advertise for proposals for finishing the new Jail and for the erection and completion of a Warden's house according to a plan, with precise specifications, submitted by Thos. & Jas. M. Dixon, architects, and now on file in the office of the City Commissioner; the cost thereof not to exceed the sum of one hundred and eighty thousand dollars. Under the provisions of the above mentioned ordinance, a contract was awarded by the Mayor, Register and Comptroller of the city to Messrs. J. W. Maxwell & Co., for the completion of the Jail and the erection and completion of a Warden's house for the sum of one hundred and sixty-nine thousand nine hundred and sixty-five dollars, and a committee was appointed to supervise the work. At the time of the contract with Maxwell & Co., the brick work of the block of cells in the north wing of the Jail was up three stories high, and in the south wing, two stories high. The outer walls of the south wing were up basement high. The foundations were in for the outside walls of the north wing, and the centre building, and the west wall of the north wing was up about half basement high. The brick work for the cells that had been built was not to be taken down or altered, but these two blocks of cells were to be carried up to the height of five stories each on the same plan as had been commenced. The centre building was to be altered in plan, so much as to require the taking up of all of the foundations for this part of the building and putting in new foundations; various alterations were to be made in other parts of the building in accordance with a resolution of the Mayor and City Council, approved October 6th, 1857, all of which are fully set forth in a report made to the Mayor and City Council by the Architects appointed by the Mayor to revise the plans, which report may be found in the Appendix to the Ordinances of 1858, page 200. The work was proceeded with in strict accordance with the plan and specifications prescribed by the ordinance. On the 22d of April, 1859, the southern end of the north wing of cells fell to the foundation, during a violent storm. A commission, consisting of Messrs. J. Crawford Neilson, (Architect,) Nathan T. Dushane, Ira Brown and Jas. McNabb, was appointed to ascertain the cause of the accident. Their report may be found in the Journal of the First Branch of the Council, 1859, page 826. The

cells were reconstructed and the building proceeded with. It was the original design to place the large boilers necessary for heating the building in the cellar of the centre portion of the Jail, but the city authorities deeming such a position unsafe, directed the Commissioners, by ordinance approved February 4, 1859, to contract for the erection of a separate building to contain said boilers, limiting the cost thereof to the sum of fifteen hundred dollars. A contract was made with Mr. A. McComas for building the same at the limited sum named, and the work was satisfactorily performed.

With the exception of the boiler house, the whole of the Jail building proper was completed in December, 1859, without alteration from the original design contemplated in the ordinance.

On the fourteenth of March, 1859, a contract was made with Messrs. Lapsley & Thomas for steam heating apparatus, for the sum of nine thousand eight hundred and eighty-two dollars and eighty cents, and they performed their work satisfactorily, giving entirely enough heating power for any extreme of temperature that is likely to occur in this latitude. By the authority of sundry ordinances and resolutions, contracts were made with sundry parties for furniture for cells, witnesses rooms, kitchen, for steam boiler and cooking apparatus, which will be set forth in detail at the conclusion of this report in a summary of the amount expended for this work during our connexion with it.

The erection of the Warden's house was commenced on the completion of the Jail and finished in the month of October, 1860, without alteration from the original plan and specifications, with the exception of the extension of the dining room some twenty feet; which alteration was made by the direction of the Mayor and City Council. The completion of the Warden's house finished the entire contract made with Maxwell & Co. and the commissioners accepted the buildings as having been erected in a faithful manner, as to the work done and materials furnished, meeting the requirements of the specifications, and in a number of instances furnishing better materials than called for by contract. The materials of the old Warden's house were sold by us at public auction for the sum of five hundred dollars and the money paid into the city treasury. The expenditures for the Jail and Warden's house, from the date of our appointment, is as follows:

J. W. Maxwell & Co., for completion of the Jail building and erection of Warden's house.....	\$169,965 00
“ “ “ for reconstructing walls of cells and extras.....	5,137 97

contract was also made with Mr. John Evans for grading the yard at 15 cents per cubic yard. The new walls and iron railings now being erected under the contract with Sumwalt, may be described as follows: along the east line of Buren street, a stone wall of 3 feet 6 inches high above the side-walk, with a granite coping of 2 feet 4 inches wide by 1 foot 1 inch high, and an iron railing of 11 feet high set on the granite coping. There is to be a gateway of 12 feet wide in this wall and railing opposite the centre of the Jail building, with a pair of heavy iron gates fifteen feet high. The piers for this gateway, and also a pier at each end of the before mentioned wall and railing, are to be of cut granite 4 feet 6 inches square on plan, and about 18 feet high. There is to be stone piers on the inside of the walls with granite coping corresponding with the coping before described. There is to be a strong iron brace set on each of these piers to support the iron railing. The railing and gates are to be of wrought iron; the horizontal bars $1\frac{1}{4}$ in. by $3\frac{1}{2}$ inches, and the vertical bars $1\frac{3}{8}$ inches diameter. There are to be sharp points on the top of the railing, the points to be about 3 inches apart, and also a sharp point to be set between each vertical bar on the coping and in each horizontal bar. Between the Jail yard and the yard of the Warden's residence, the entrance gateway and the offices, there is to be a stone wall about 18 feet high with a granite coping. In this wall there is a gateway with a pair of heavy wrought iron gates, through which prisoners and others pass to and from the entrance gateway, around the yard of the Warden's residence, there is a stone wall and granite coping such as described on the west side of the Jail yard, with a wrought iron railing 5 feet 11 inches high, with a gate, from the street. This work, as before mentioned, is under contract. The stone walls are all built, the granite piers are about half up, and about one third of the granite coping set; the iron gates in the stone wall are set, and the iron for the railing and other gates is all in the hands of the workmen and partly prepared, ready to set as soon as the weather will permit.

The Commissioners have noticed, with surprise and regret, in the daily papers of Friday last, a statement of a report made on the New Jail to the Council, from your joint standing committee on Police and Jail. In it are the most sweeping charges against the contractors who performed the work on the Jail, and against the commissioners who supervised it, and made, too, by your committee exparte, without, we think, giving the matter that fair consideration, which a sense of justice to citizens grossly assailed by the inferences and conclusions of your committee so imperatively demanded. We were not even invited by your committee to visit the Jail with them, to explain the character of the contract, or the quality of the work; with

no opportunity to go before your committee on the subject, the first notice we received of the displeasure of your committee, was the report in the papers, assailing not only our capacity, but our integrity. Your committee on Police have given judgment on the subject and gone to the public with certain propositions stated as facts, and with inferences and insinuations the most gross and unfair. Under these circumstances the Commissioners most respectfully pray your Honorable body, by every principle of justice to citizens who consider themselves wronged, that you will appoint a joint special committee, to whom the report of your committee on Police and Jail shall be referred, with instructions to enter into a complete investigation as to the truth of the charges and the justice of the inferences and insinuations contained therein, as well as to examine into the whole matter of our connexion with the building of the Jail, and the manner we have performed our duty in the premises. If you will do us this justice, we pledge ourselves that so far as we are concerned, the fullest and freest inquiry shall be facilitated.

Respectfully submitted,

ROBERT SULLIVAN,
AMOS McCOMAS,
WILLIAM E. BEALE,
EDWARD S. LAMDIN,
JAMES H. WOOD.

On motion of Mr. Staylor, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, February 13th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Tegmeyer.

Mr. Phelps presented the petition of Wm. F. Frick and others, asking for the opening of Park street, which was referred to the joint standing committee on Highways.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Highways, to whom was referred the petition of Christian Orenschall and others, owners of property on South Charles street, between Lombard and Pratt streets, have examined the subject matter prayed for, and are of opinion the prayer of the petitioners should be granted, and they therefore respectfully recommend the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

ASA HIGGINS,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be and he is hereby authorized and directed to have drops placed in the openings leading into the sewers on Charles street, at the intersections of Balderson and Charles streets and Uhler's alley, or such other contrivance as will, in his judgment, best prevent the escape of foul air from the said openings, and the expense of the same be paid out of the appropriation for sewers for the year 1861.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of C. Günther and others, property holders, on the South side of East Baltimore street, in relation to the condition of an alley in the rear of their property (commonly called Boyd alley,) beg leave to report that they have examined the premises and upon a full examination of the subject matter prayed, find that the said alley is private property, they therefore respectfully offer the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

ASA HIGGINS,
JESSE MARDEN,
Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the joint standing committee on Highways, to whom was referred the petition of C. Gunther and others, be discharged from the further consideration of the subject.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the resolution of the First Branch City Council of Baltimore, dated the 1st day of February, 1861, relative to the condition of Chester street, between Gough street and Eastern avenue, beg leave to report that they have examined the premises and have duly considered the resolution above referred to, and would respectfully offer the following resolution:

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JESSE MARDEN,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the joint standing committee on Highways be discharged from the further consideration of the subject.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Phelps called up the communication from the Commissioners appointed to superintend the erection of the New Jail, which was presented to the Branch yesterday, and moved that the same be referred to the joint standing committee on Police and Jail, which was determined in the affirmative.

The Second Branch returned the resolution directing the City Commissioner to have stepping stones placed across Eutaw street, to intersect with the south side of Montgomery street,

and the resolution directing the City Auditor to execute to J. Shaaff Stockett, trustee, or join with said Stockett in the execution of such deed or deeds of confirmation or conveyance as may be requisite to correct the descriptions of two lots of ground which were sold by the City Collector to Romulus R. Griffith, severally endorsed "concurrent in."

The Second Branch returned the resolution instructing the Comptroller to advertise for proposals for constructing suitable piling, bracing, &c., from Herring Bar to the platform or wharf of the Marine Hospital, endorsed "concurrent in with proposed amendment."

Amendment proposed :

Strike out all after the word "proposals," in the third line and insert the words "for the construction of a suitable wharf or pen to extend from Herring Bar to the platform or wharf of the Marine Hospital—said proposals to state the cost per foot, respectively, to build a wharf six logs high on a double row of piles, driven three feet apart, sheet piled with six inch sheet piling sixteen feet long, and tied back with a double row of ties eight feet apart, the distance of forty feet ; to build a wharf, as above, placing the piles five feet apart, and using three inch sheet piling, with one row of ties running back forty feet, and one row running back twenty feet ; to build a pen with piles five feet apart, and tied back with ties forty feet long, and eight feet apart, sheet piled with six inch sheet piling, and covered two logs high ; and to build a pen, as above, using three inch sheet piling—the work to be done in the best manner and the materials to be of the best quality used in the construction of wharves and pens. And the Comptroller is hereby further instructed to report to the City Council all such proposals as may be received by him, in pursuance of this resolution, to be subject to the action of the Mayor and City Council."

On motion of Mr. Myers, the Branch concurred in the amendment.

The Second Branch returned the resolution directing the Water Commissioner to have the pump on East street, between Fayette and Douglas streets, put in good order, endorsed "concurrent in with proposed amendment."

Amendment proposed:

Strike out the word "Commissioner," in the second line, and insert the word "Engineer."

On motion of Mr. Staylor, the Branch concurred in the amendment.

The Second Branch returned the ordinance entitled "An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation," endorsed "will pass with proposed amendment."

Amendment proposed:

Insert after the word "city," in the nineteenth line of the eleventh section, the words "having the largest circulation."

On motion of Mr. Bouldin, the Branch concurred in the amendment.

Mr. Thomas called up the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to provide for the appointment of Superintendents of Streets, and to prescribe their duties,' " approved May 31, 1858.

Mr. Blanchard moved that the ordinance be laid on the table, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Dixon:

Yeas—Messrs. Bouldin and Blanchard.—2.

Nays—Messrs. President, Yeisley, Wolf, Myers, Thomas, Bandel, Bolgiano, Staylor, Brown, Phelps, Drakeley, Allen, Chase, Dixon, Hay, and Crout.—16.

Mr. Staylor moved to amend the ordinance by striking out the word "act" in the third line of the first section and inserting in lieu thereof the word "ordinance," which was determined in the affirmative.

Mr. Staylor moved to further amend the ordinance by adding the following, to be styled Section 3, which was determined in the affirmative:

Section 3. And be it enacted and ordained, That it shall be the duty of the Police officers to report to the Health Commissioner, all cases of neglect or refusal on the part of the driver of any garbage cart to remove any garbage from any

premises when the same shall be properly placed on the foot-way.

The question recurring on the passage of the ordinance, the same as amended, was passed.

On motion of Mr. Crout the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, February 14th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Tegmeyer and Phelps.

Mr. Bouldin presented the petition of Wm. Devries, asking to be allowed to use Howard street and the space at the intersection of Lombard, Howard, and Liberty streets, for the deposit of materials necessary for the erection of his building on Baltimore street, which was read and laid on the table.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That William Devries be and he is hereby authorized to use Howard street and the intersection of Lombard, Howard and Liberty streets for the deposit of materials necessary for the erection of his building on Baltimore street, and to have the use of said space and streets for the term of sixty days from March 1st, 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

The following communication was received from the City Commissioner, and referred to the joint standing committee on Highways:

CITY COMMISSIONER'S OFFICE,
Baltimore, February 14, 1861.

*To the President and Members of the
First Branch of the City Council:*

GENTLEMEN:—

I beg leave respectfully to call your attention to the condition of the arch over the Harford Run tunnel, on Central avenue, near Pratt street.

Yours, &c., respectfully,
H. J. BAYLY, *City Commissioner*.

The following communication was received from the City Commissioner:

CITY COMMISSIONER'S OFFICE.
Baltimore, February 14th, 1861.

*To the President and Members
of the First Branch of the City Council:*

GENTLEMEN:—

In answer to your resolution of enquiry requesting me to examine into the condition of Charles street Spring lot, and the drainage thereof, and whether its present condition is such as to do injury to adjacent property, I respectfully beg to reply, that I have examined the same and find no justifiable reason of complaint, as the waste pipe from the Spring still continues to conduct the water to the basin at the foot of Camden street.

Respectfully submitted,
H. J. BAYLY, *City Commissioner*.

Mr. Allen called up the ordinance entitled "A supplement to an ordinance entitled 'An ordinance to preserve the health of the city of Baltimore,'" approved July 27, 1858, which was read.

Mr. Blanchard moved to amend the ordinance by striking out the words "the duties prescribed in the said ordinance," in the sixth line of the second section, and inserting in lieu thereof the words "his duties as Commissioner of Health," which was determined in the affirmative.

Mr. Bolgiano moved that the ordinance be referred to the joint standing committee on Health, which was determined in the affirmative.

The following communication was received from the Water Board, and referred to the joint standing committee on Water:

OFFICE OF THE WATER BOARD,

Baltimore, February 11th, 1861.

At a meeting of the Water Board, held this day, the Committee on Conference with the City Council, consisting of Messrs. Dukehart, Denmead and O'Donnell, was authorized to present the following ordinance to the City Council, and to ask its passage:

“An ordinance, supplementary to an ordinance, entitled ‘An ordinance relating to the Baltimore Water Board and the Works under their care.’”

Be it enacted and ordained by the Mayor and City Council of Baltimore, That if any person or persons, occupying a house or tenement, not paying water rent therefor, shall draw water for the use of such house or tenement, or suffer any of his or her family, servants or employees, so to draw water from any hydrant, or any yard or premises other than his, her or their own; he, she or they shall forfeit and pay the sum of one dollar for the first offence, and the sum of five dollars,—after a penalty has been once imposed,—for every week in which water may be drawn as aforesaid. One half of the fine to go to the informer and the other half to the Water Registrar for the use of the Water Department.

The Second Branch returned the resolution discharging the joint select committee to whom was referred the accounts of the Health Commissioner, from the further consideration of the subject, endorsed “concurring in.”

A resolution directing the City Commissioner to have a gas lamp placed on the northwest corner of Hamilton and Little Courtland streets, was received from the Second Branch, read and laid on the table.

Mr. Wolf offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the City Counsellor be respectfully requested to inform this Branch at his earliest convenience, of the true intent and proper meaning of Section 2, of Ordinance No. 35 of

Revised Ordinances, 1858, particularly as to the character of the wood buildings therein alluded to; that is to say, in what consists the difference between a wood or frame building which it may be lawful to erect, and other wood or frame buildings inhibited by the act referred to.

On motion of Mr. Wolf, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard called up the resolution authorizing the Comptroller to purchase a suitable iron safe for the custody of the Record Books, in the City Collector's office, which was read.

Mr. Bouldin moved to amend the resolution by striking out the word "five," in the fourth line, and inserting in lieu thereof the word "three," and called for the yeas and nays; pending the call for the yeas and nays,

Mr. Allen moved that the resolution be laid on the table, which was determined in the affirmative.

The Second Branch returned the resolution authorizing Wm. Devries to use Howard street and the intersection of Lombard, Howard, and Liberty streets, for the deposit of materials necessary for the erection of his building, on Baltimore street, for the term of sixty days from the first of March next, endorsed "concurred in."

Mr. Staylor called up the ordinance entitled "A supplement to Revised Ordinance No. 33, entitled 'An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances,'" which was read.

Mr. Bouldin moved to amend the ordinance by inserting after the word "of" in the fifteenth line, the words "three-fourths of," which was determined in the affirmative.

Mr. Blanchard moved to further amend the ordinance by striking out the word "unless" in the fourteenth line, and inserting in lieu thereof the words "provided that," which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by inserting after the word "business," in the fourteenth line, the words "after receiving a written notice from the Board of Health ordering its discontinuance," which was determined in the affirmative.

The question recurring on the passage of the ordinance the same as amended, was passed.

On motion of Mr. Bolgiano, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, February 15th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Nicholas, Blanchard and Tegmeyer.

Mr. Staylor in the chair.

Mr. Chase presented the remonstrance of Caleb Kelly and others, against a petition heretofore presented to the City Council, asking for the repeal of the ordinance for condemning and opening Warner street, from Little Camden street to Columbia street, which was referred to the joint standing committee on Highways.

Mr. Phelps, from the joint standing committee on Police and Jail, submitted the following report and resolutions, and an ordinance entitled "An ordinance to repeal an ordinance and parts of an ordinance therein mentioned, relating to the Police of Baltimore," which were read and laid on the table:

The joint standing committee on Police and Jail, to which was referred so much of the Mayor's message "as relates to the Board of Police and the Police Department," (*See 1st Branch Jour., page 73*) have given to the subject that careful and deliberate consideration which its importance requires, and respectfully submit the following report, with the accompanying ordinance and resolutions:

The remarks of his Honor, Mayor Brown, upon this head will be found on pages 20-21 of the message, (*See 1st Branch Jour., page 66*). With all the views there expressed, your committee cordially concur, and deem it matter of hearty congratulation, that under the system established by the Legislature at its late session, the city now enjoys the benefit of impartial and efficient protection to life and property, and to the freedom and purity of the elective franchise.

The message states, that on the 3d of October, 1860, the Board of Police "*publicly declared the organization of the Police Force to be complete.*" This announcement was made in pursuance of Article 4 of the Public Local Laws, which provides that "upon such public declaration, and from the time, thereof, all ordinances of the Mayor and City Council of Baltimore are annulled and declared void, so far as they conflict with this Article," or confer upon the Mayor, or others, any power or control over the police force organized under such ordinances, &c.; "and from and after such public declaration, the police force organized, or which may be organized under said ordinances or any of them, shall cease to exist, and all its functions and powers be at an end."—*Sec. 817.*

The same Article further forbids, under heavy penalties and forfeitures, any officer of the Mayor and City Council, or other person, from attempting to maintain in said city any police force under the ordinances hereinbefore repealed.—*Sec. 819.*

The message further states, that by the decision of the Court of Appeals, "the validity of the act was sustained on every point."—*Page 20.*

It results from these premises, that the ordinance approved June 11, 1858, (*Rev. Ord. of 1858, No. 30, page 135*) entitled "an ordinance to establish a Police for the city of Baltimore," and the ordinance approved December 16, 1858, being an ordinance supplementary to the ordinance first mentioned, are both, with certain exceptions, to be noticed hereafter, virtually annulled by competent authority.

To relieve the statute book of the city from the encumbrance of a useless mass of void legislation, and to avoid all possibility of future collision with the Police created by State enactment, your committee have prepared the accompanying ordinance, repealing those parts of the existing ordinances which

are in conflict with Article 4 of the Public Local Laws, and recommend the same to your Honorable body for adoption.

The entire police apparatus of the city being thus withdrawn from the control of the municipal authorities, your Honorable body would seem no longer to have jurisdiction in the premises, and your committee, therefore, might feel that they had discharged their duty, by dismissing the subject, with what has already been said. But there are some suggestions in regard to this matter, especially as it involves the future relations of this corporation and of the people of Baltimore to the State authorities, which the undersigned deem it within their province to embody in this report.

By the 4th Article of the Public Local Laws a Board of Police is established within and for the city of Baltimore, to consist of four commissioners, together with the Mayor of the city for the time being.

The term of office is four years. The Commissioners are appointed by the Legislature. In case a vacancy occurs during a recess of the Legislature, the vacancy is filled by the other Commissioners, until provision is made by the Legislature.

The powers conferred upon this Board are most ample and exclusive. They are generally, "*to preserve the public peace, prevent crime, and arrest offenders*" in the manner defined by section 808. They have the appointment and control of the judges and clerks of all elections, whether federal, municipal or State. (Sec. 205-227). They have power to sub-divide the city into election precincts.—Sec. 203.

They have absolute command of a "*permanent police force*" appointed by themselves, and armed and equipped "*as they shall judge necessary.*" Although the maximum strength of this corps is fixed at "*four hundred and fifty,*" yet they seem to have unlimited discretion in increasing it, upon "*extraordinary emergencies*" (of which they alone are the judges) by the addition of such force "*as the exigency may, in their judgment, demand.*"—Sec. 809.

In addition to this powerful corps of regulars and auxiliaries, they are clothed with absolute and peremptory command of the entire civil and military force of the city; over the Sheriff, with his *posse comitatus*, and over the organized volunteers and militia. Of all these, as of all other conservators of the peace in the city, "*whether sheriff, constables, police, or others,*" "*they may assume the control and command*" at their own absolute discretion, and all of these "*shall act under the orders of said Board, and not otherwise,*" under heavy penalties in case of disobedience.—Sec. 816.

Over all elections, they are particularly clothed with extraordinary powers. They are not only authorized, as before

stated, to appoint the judges and clerks, but they may remove them at pleasure, (*Sec. 205*) and may even supersede, in a great measure, the functions of those officers, by themselves taking the "command and control, if they deem necessary, of the persons and officers, and assuming the conduct of the measures, which may be required to promote the purposes" of the law.—*Sec. 226.*

The machinery provided for carrying these powers into effective operation, is as perfect as human sagacity could suggest, or ingenuity contrive. Throughout all its numerous and complex provisions, the entire law is clear, consistent and practical. Considering the violent and factious opposition which it was expected to encounter from hands already and often stained with human blood, and in view also of the many embarrassing constitutional scruples, which necessarily haunted its framers at almost every clause, it may be called, *with reference at least to the emergency which produced it*, a master-piece of legislative wisdom.

Before the law went into practical operation its constitutionality was established, after being assailed in almost every feature by the most eminent legal ability, first by his Honor, Judge Martin, and finally by the Court of Appeals, in affirmation of the judgment of the Superior Court.—*See 15 Md. Rep. 376.*

The voice of resistance being thus hushed, the law peaceably commenced its work, and its work was like that of magic. Security, liberty and peace, long strangers to our city, immediately and almost as if by enchantment, succeeded to the dark years of mediæval turbulence and tyranny which had so often made our streets and our houses scenes of terror and ferocity. The reputation of Baltimore was redeemed from infamy, and at once established as that of the best governed city in America. An improvement so marked in our social and political condition, could not but cause a corresponding change in our material and commercial interests. The laboring man being protected in the secure enjoyment of his earnings, the capitalist being guaranteed the disposal of his patronage, not as ruffians might dictate, but as his own interests might require, business revived in all its branches, and the value of property sensibly appreciated. If this happy career of prosperity upon which we had but begun to enter, has been suddenly checked for a time, we have at least no consolation of knowing that as we are not the only sufferers by a great national catastrophe, so we are not responsible for its occurrence.

There needed but one thing more to make this legislation a complete success, morally as well as practically, and that was its approval and endorsement by the *people of Baltimore*, for

whose relief it was intended. That sanction was pronounced from the purified ballot-boxes of this city on the 10th day of October last with an emphasis of more than 8,000 majority for Reform. The Reform measures, including the Police laws, the Election laws, and the Jury laws, were distinctly offered to the people as test questions, and the result was that they carried each of the twenty wards by sweeping majorities; seventy-six out of eighty precincts; elected a Reform Mayor almost by acclamation, and filled the seats occupied by your Honorable Body, in both of its Branches, with the professed friends of Reform, without a solitary exception.

And yet the most agreeable, and, for Baltimore, the most novel feature of the whole, remains to be stated; of those eighty ballot-boxes, not one was stained by a single drop of human blood, nor tainted with the suspicion of a single fraudulent vote. And all this was done under and because of the very system of laws which the people at the time were endorsing by their votes. So that, upon the same day, and by the same process, the wisdom and necessity of the Reform measures were vindicated by their signal practical success, and their moral triumph achieved by an overwhelming popular approval.

So much your committee have thought it proper to say in commendation of the system of Police now in operation in this city, in order that what they have now to suggest in relation to it, may not be misunderstood.

Your Honorable body will not fail to perceive, from a perusal of the law establishing the Board of Police, and particularly from those features of it which are extracted for your special attention, that the inhabitants of the city of Baltimore are now governed entirely by *authorities of the State*, in whose appointment we have no voice, except through our representation in the State Legislature, and for whose use or abuse of the formidable powers entrusted to their discretion the people of Baltimore, as such, can exact of them no responsibility. Their powers, as already shown, are enormous; in fact, unlimited, within the sphere marked out for them, and that sphere is spacious enough to cover all that is valuable or important to us as citizens. Our rights, our liberties, our property, are secured from invasion by a door of which they only hold the key. The key which they are entrusted with to *keep others out*, they have power to use to *let themselves in*. They hold not only the *sword*, but the *purse*. The entire Treasury of the city is at all times at their service. They have only to indicate what amount they require, and the Mayor and City Council are obliged, "without delay," to levy and supply the means. Should the Mayor and City Council hesitate, the Board of Police may at once issue and sell city certificates, "in the name of the corporation," "*which*

shall be receivable at par, in payment of city taxes, and be as binding on said corporation and as recoverable against it, as if the Mayor and City Council of Baltimore had themselves issued said certificates.”—Sec. 818.

For their disbursement of these funds, as well as for their exercise of the other extraordinary powers vested in them, the Board of Police are accountable only to the *General Assembly of Maryland*. Neither their journal of proceedings, nor their books of accounts, are required to be kept open to the inspection of the municipal authorities. In fact, the sole recognition to be found in the law of any concern or interest of the corporation in their affairs at all, is in a brief and general clause requiring a “report to be made to the Mayor and City Council of Baltimore at each annual session of said City Council, (sec. 821.) While the Board of Police are expressly constituted “*authorities of the said corporation*” for the purpose of discharging all its “*duties and obligations,*” “*to the same effect as if created and appointed by or under the said Mayor and City Council,*” and while the corporation is expressly made liable for their acts as such, it is at the same time provided that the municipal authorities shall have no “*control over said Board, or any officer or policeman appointed thereby,* (Sec. 822.) In other words, the Board of Police is made the *general agent* of the corporation, authorized to draw upon its principal to an *indefinite amount*, and to make it *responsible in damages* to an indefinite extent, for its acts of omission or of commission, while the same agent, so far from being responsible over to its superior for any of its wilful or negligent delinquencies, is by the same law expressly made the *principal* of the corporation to all practical intents and purposes, but with an entire exemption from all responsibility which usually attaches to that relation. The *principal* is bound to obey the orders of its *agent*, for whose acts, as such agent, the same principal is still *civilly liable*.

Such is the anomalous and extraordinary relation in which your Honorable Body, together with the Mayor, now stands towards the Board of Police. The Councils have now nothing to do with the Police, save and except to respond without option to the demands of the Commissioners for money to support it. The Mayor, except in so far as he constitutes one member out of a Board of five Commissioners, is now nothing more than an empty civic dignitary, with scarcely more authority over the people who elected him, than the wooden figures of Gog and Magog which smile over the goodly banquetts of the Lord Mayor of London at Guildhall.

And yet, arbitrary and stringent as this system is, it has been accepted by the people of Baltimore with delight and gratitude, as their only lawful and peaceable mode of escape

from a protracted and intolerable municipal tyranny, of the most odious and degrading character. The violence of the remedy only illustrates the desperate nature of the disease.

The undersigned, in thus directing your attention to the prominent features of the law in question, do so with no design to excite prejudice against the important principle upon which it is founded, and with no disposition to see it altered in any of its substantial or essential provisions. Power must be vested *somewhere*. Discretion must be confided to *somebody*. The experiment of entrusting this power and this discretion to municipal authorities, has had the benefit of a full, fair and prolonged trial, and has resulted in *failure*—signal, shameful, and disastrous. The Legislature has at last abandoned it, the people of Baltimore have abandoned it, and we are now embarked upon a new experiment.

Whether this new system, which is but in the infancy of its career, is to be permanently successful or not, will depend entirely upon its inherent strength to resist those powerful tendencies towards *partisanship* and *political abuse*, which will, sooner or later, attack every form of human government, and which first corrupted and then subverted the old system, which has happily been abolished.

The bare possibility that our existing Police system may, at any future time, become a political engine, used by the dominant party in the State Legislature to further the selfish plans of an unprincipled faction, (should such, unfortunately, ever arise,) is well calculated to awaken the liveliest apprehensions. Hapless, indeed, would be the fate of this city, if, with the unlimited means at their absolute disposal, the Board of Police should ever be so constituted as to wield their enormous powers over our persons, our property, and our elective franchise, with the same spirit and for the same purposes as our experience heretofore has taught us such powers are capable of being employed. With the numerous and armed train-bands of a jealous party despotism patrolling our streets, reconnoitring our houses, and "*protecting*" our polls, (using that term in a *Baltimorean* sense,) and drawing without mercy upon our own means to aid in our own oppression, to what quarter could we then turn for relief? The municipal authorities would, of course, be powerless. The State authorities would be the very tyrants from whose grasp we were struggling to escape. And the Courts could give us no remedy, for they have already decided in advance upon the constitutionality of the law, although the Court of Appeals, in anticipation of just such a contingency, has admitted that "in exciting party times" the exercise of the stringent powers conferred by the law, "might effect much mischief." (See 15 Md. Rep., 461.)

Fortunately, we have a guarantee against the speedy occurrence of such a calamity, in the high character of the gentlemen appointed by the Legislature as its first Commissioners. No names more acceptable to this community could have been presented to us, and the honorable delicacy with which they have hitherto discharged their responsible duties, is an additional pledge that at least during their official term, the formidable powers entrusted to the Board will not be abused to our detriment.

But on the 10th day of March, 1862, the official term of two of these Commissioners will expire, and on the 10th day of March, 1864, that of the two remaining members, who may be succeeded by others, to be appointed by the Legislatures then in being, respectively. (Sec. 807.) Who may compose these Legislatures, what motives may actuate them, what fierce political excitements may control them, to what extent the baleful fires of faction may rage among them, are questions that no mortal may now answer.

Comparatively remote as the danger may be, (although in little over a year the mischief may commence) it is, in the judgment of the undersigned, the solemn duty of your Honorable Body, as the first Council which has convened since the new system commenced its operation, *now*, while no suspicion of any unworthy partisan motive can possibly attach to your action, and while the elements of political discord are strangers to your deliberations, to give to this Police system, and to the law which has introduced it, your most careful and anxious consideration. Not, by any means, that you have power, of your own immediate action, to exercise any direct control over the premises; but simply with a view to such practical recommendations in the way of amendment or reform as you have a right to make, and as, coming from your Honorable Body, could not fail to secure the sanction and adoption of the General Assembly, or of a Constitutional Convention.

Independently of the personal character of the present members of the Board, the only safeguard which the Police law contains against this danger of political abuse, which has been adverted to, is the oath which they are obliged to take, that "they will in no case, and under no pretext, appoint or remove any policeman, or officer of police, or other person under them, for or on account of *the political opinion* of such policeman, officer, or other person, or for any other cause or reason than the fitness or unfitness of such person," &c. (sec. 806.)

It is first to be observed with reference to this oath, that although the Legislature no doubt intended it to have a *general* application to *all* the offices within the disposal of the Board, yet the *language* they have employed might possibly be so con-

strued as to confine the operation of the oath to the *police force* merely. Should this construction prevail, unless judges and clerks of election can be held to be "*police officers*," or "*other persons under them*," within the terms of the law, there is nothing in the law which precludes the Board from appointing and removing said judges and clerks from political motives.

But even if the oath should be regarded as general in its application, and not restricted to the police force, your Honorable Body will not fail to perceive that, although this provision might then appear on its face to afford an effectual guarantee against the demoralizing effects of partisan appointments, yet, in fact, two things would still be requisite to make it perfectly sufficient:

First, that it should be permanent and immutable. *Second*, that the parties who are to take the oath should be, not only pure and honorable men, but men not themselves under the influence of powerful party sympathies or prejudices.

As to the *first* of these conditions, we are absolutely without any adequate security for the *permanence* of this provision requiring the test oath. It is but a legislative enactment after all, which any future legislature may *repeal* if it should suit their purposes to do so; and which, in times of violent political excitement, a dominant majority might find an available pretext for repealing, or, at least, so amending as to weaken its efficacy. As to the *second* condition, it is clear that the Legislature itself, in making these appointments, is under no obligation to discard partisan motives, and the dominant majority in appointing commissioners would be perfectly at liberty to select them from their own political friends. All experience teaches us that they would in fact do so, such appointments being commonly arranged *in caucus*. Now, let politicians once get control of the Board, let there be strong party feeling existing throughout the community, and see how even the stringent language of this oath might fail to accomplish its object. An appointment of a policeman coming up for consideration, two names being before the Board, each being equally "*fit*" or "*unfit*" for the office, one being a political friend of the commissioners, the other not having that advantage, how might the commissioners reason upon the question? If they should give the preference to their political enemy, simply because he was of an opposite party to themselves, and not because he was more "*fit*" than his rival, would they not be violating their oath, just as much as if they should select the other because he was their political friend? Being naturally better acquainted with the applicant on their own side in politics, and having his qualifications attested by witnesses in whom they had the greater confidence from the fact of their

being also political friends, it would be by no means strange if, in a vast majority of such cases, a Board of partisan commissioners should decide the question of "fitness" in accordance with their political bias, and that, too, without consciously violating their oath.

The power of *removal* is much better guarded from abuse than that of *appointment* by the provision "that the policemen shall serve for *five years*, and be subject to removal only *for cause*," and by the further provision that "any policeman whose term of service shall expire, and who, during his employment, shall have faithfully performed his duty, shall, if otherwise qualified, be preferred by the Board in making their new appointments." (Sec. 809.) But even this provision, like that relating to the oath, is entirely within the control of any future Legislature.

To recur to the *first* of the two conditions adverted to, namely, that of *permanence*, your committee would respectfully suggest under this head, that when the proper time arrives for amending the constitution by a State convention, the office of Commissioners of Police for Baltimore city, the oath required of them, and their general duties and powers should be expressly incorporated into that instrument, and become part and parcel of the organic law of the State. The necessity of securing a plan of local government like that organized by the law now under consideration from all improper tampering on the part of future Legislatures, will become the more apparent to your Honorable body when your attention is directed to an attempt at political proscription engrafted upon this very law, in the following *proviso*, viz: "*that no Black Republican, or endorser or supporter of the Helper book, shall be appointed to any office under said Board.*" (Sec. 809.) Messrs. Campbell and Johnson, of counsel for the Board of Police, declared in the Court of Appeals that this was "a provision interjected into the Act repugnant to its whole scope and object," and the Court, in delivering its opinion, said, "that portion which relates to Black Republicans, &c., is obnoxious to the objection urged against it, if we are to consider that class of persons as proscribed on account of their political or religious opinions. But we cannot understand, officially, who are meant to be affected by the proviso, and, therefore, cannot express a judicial opinion on the question." (See 15 Md. Rep. 444-468.) Mr. Alexander, who with Mr. Schley, appeared for the Mayor and City Council of Baltimore, in the same case, in his argument under this head used the following language: "If a Legislature, in former days, had proscribed the Roman Catholic or the naturalized citizen, it is presumed this court would have no difficulty in pronouncing against the constitutionality of the

provision. In principle, the proscription is the same. In degree the difference is, that whilst the test of religion or of birth is susceptible of evidence, the test created by the Police bill rests in the pleasure of the Police Board. What is Black Republicanism? A Black Republican may be defined to be one who thinks the area of slavery ought not to be enlarged. Again, he may be defined to be one who thinks Congress has power to legislate over the subject of slavery in the Territories; and it is quite possible that, in the estimation of the Board, he is to be placed in the same category who concedes to the Territorial Legislature any power over the subject. It is certain that in the letter of the proscription there is an elasticity which will, with willing minds, justify its expansion over two-thirds of the population of Baltimore."—15 Md. Rep. 421.

It is due to the framers of this law to state, that the proscriptive provision referred to was not the work of their hands, but was "*interjected*" into it as a political manœuvre, by the avowed enemies of the measure, either to defeat it altogether, or to attach to it such odium and ridicule as to render it unpopular and offensive. While it is to be regretted that any blemish should deface this law, public opinion has fastened all the odium which might accrue from it upon the source whence it originated, and the decision of the court has virtually abolished it.

The provision referred to, and the comments of able counsel upon it, have been thus brought particularly under the notice of your honorable body, for the purpose of illustrating the dangers to be apprehended from an unscrupulous political faction in the State Legislature, so long as it may have the power to tamper with the system of government provided for this great city. Although in the particular instance cited, the attempt proved to be a harmless one, the judgment of the court having deprived it of all proscriptive efficacy, and rendered it virtually nugatory, yet the same spirit which prompted it might reappear hereafter in a more dangerous, because a more ingenious form, and could in fact readily consummate the same result, not by adding any *new* feature to the bill, but simply by dispensing, under whatever pretext, with those wholesome provisions in the existing law which are anti-proscriptive. With the law thus altered to suit the political exigencies of the hour, and administered by such appointees as the party in power might select as fit instruments to subserve its purposes, the appalling dangers to be apprehended from an abuse of the Police law would soon cease to be imaginary. The worst evils which the people of Baltimore have suffered under the enormous abuses of the old system, would again be more than realized, because augmented and aggravated by the utter hopelessness of remedy.

It is to guard against all possibility of the occurrence of such a calamity that your committee have deemed it their duty solemnly to call your attention to the necessity of procuring, by whatever appropriate means may be within the power of your honorable body, for the wholesome checks and restraints upon the plenitude of power conferred upon the Police Commissioners, the permanence and stability of a *constitutional sanction*. The *means* of accomplishing this object, which have occurred to the undersigned as appropriately and legitimately within your province, will be indicated hereafter.

But this is not all. The *first* of the conditions suggested having been thus secured, it remains to consider the other, which is equally essential: "that the parties who are to take the oath (the Commissioners themselves) should be, not only pure and honorable men, but men not themselves under the influence of powerful party sympathies or prejudices." Unless your committee have totally failed to read aright the lessons of all human experience, they have already shown that with bigoted and zealous partisans in the Board of Police, especially in times of violent political excitement, the anti-proscriptive oath, however searching and stringent it might be made, would still afford but a feeble and inadequate guarantee against the great abuse to be dreaded—the evil of political appointments, and a partisan administration. The consciences of professional politicians are sufficiently plastic, and although unnaturally stiffened by the sanction of an oath, Satan might still find some specious ointment with which to lubricate them into flexibility. But even should no opportunity arise for an application of the oath by an exercise of the appointing power in a single instance, the Board of Police could still, if composed of unscrupulous partisans, make use of their subordinate officers, as of all the formidable powers at their command, for selfish and unprincipled party purposes. It would be vain to expect a stoical discharge of duty and rigid impartiality from subordinates, when superiors themselves are partial and corrupt in their administration. "*As the judge of the people is himself, so are his officers; and what manner of man the ruler of the city is, such are all they that are under him.*"—(*Ecclesiasticus*, x. 2.) The present police force is admitted to have been judiciously and impartially selected; it is constantly undergoing improvement, and by the time the existing Commissioners shall have been relieved of its command, it will be probably as near a state of absolute perfection as any human organization can approach. But should the present Board of Police unfortunately be succeeded by men of a different tone, even this excellent and reliable corps, under vicious influences, might soon be made the demoralized and pliant instruments of a corrupt authority. The fountain head of author-

ity is at the Board of Police. The police force is but the channel which conveys the stream of power. If the stream be poisoned at its source, the purity of the conduit will not purge its contamination, but will be itself corrupted by the contact.

And here your Committee will confess that they have met, at this point, an insuperable difficulty. The appointment of these Commissioners must of necessity be left to the discretion of the Legislature. We can only hope that they will continue to give us good and true men. We must still fear that under a strong party pressure, they might give us rulers of an opposite character. And no device that human wisdom might suggest, could so trammel the discretion of the Legislature as to ensure us against the latter contingency.

But if this danger cannot be wholly avoided, it may at least be counteracted, in some measure, by *reducing the number of the Commissioners*. Your committee have not been able to perceive the necessity for so large a number as *five persons*, to constitute the Board of Police. These five Commissioners now perform the duties which formerly devolved upon the Mayor alone. It is the opinion of the undersigned, founded upon satisfactory information, that *three* Commissioners, including the Mayor as one, would be amply sufficient to perform all the duties which might at any time demand the attention of the Board. Your committee would suggest that the Board should then be organized as follows: *One Commissioner* should be appointed by the Legislature, as at present, to hold office for *four years*. *Residence* in the city, throughout his official term, should be superadded to the qualification imposed by the existing law, requiring merely a residence in the city "for the period of *twelve months next preceding* the appointment. (Sec. 806.) The Mayor of Baltimore city would, of course, constitute the second member of the Board, his official term expiring, as at present, in *two years*. The *third* and presiding member, it is proposed, should be nominated jointly by the first two, in the nature of an *umpire*, should possess the same qualifications as the State Commissioner, and should hold his office for a term of *three years*. Your Honorable Body will perceive that, by this arrangement, *every* State Commissioner would participate in at least *one* appointment of an umpire, and every alternate State Commissioner would participate in *two* such appointments, while no Mayor would have an opportunity to share in more than *one* appointment, and every alternate Mayor would have no such opportunity. The very obvious practical difficulty that will at once present itself to this plan, viz: the danger of a *dead lock* every third year, by a possible failure of the State Commissioner and the Mayor to agree upon the choice of a third Commissioner or umpire,

would be effectually provided against as follows : these two officials should be required, on or before a given day in each and every third year, to certify to the Governor the nomination required by them to be made, accompanying their certificate with a *special affidavit* in reference to the particular case, similar to that now required by law in reference to subordinate appointments generally. In case of their failure so to do, their salaries should at once stop, and they should likewise be made liable to a penalty of say *one hundred dollars per diem* each, for every day thereafter until the said certificate of appointment should be forthcoming, or until the expiration of thirty days, whichever should first happen. Should the appointment be made before the thirty days expired, their penalties should be remitted, and their salaries allowed. But if their recusancy should still continue, the Governor should forthwith issue his proclamation declaring their places in the Board vacant, authorizing the Legislature (if in session) to proceed at once to the appointment of a new State Commissioner, to serve out the unexpired term, or (if not in session) filling the vacancy himself, and also authorizing the City Councils (if not then in session, convening them for the purpose) to proceed at once to the election of a City Police Commissioner, to serve out the unexpired term, vacated by the recusancy of the Mayor, and further commissioning the third or umpire Commissioner, then in office, to hold over for a new term of three years.

The advantages of some such system as the above will doubtless be too apparent to your Honorable Body, to require extended comment in its behalf. Under it, the State Legislature would not be apt to make a partisan appointment, knowing that any attempt at usurpation or corrupt mal-administration on the part of their commissioner would be promptly checked by the Mayor, and the third or *balance-of-power* commissioner. In like manner, the city would not be apt to elect a partisan Mayor, for a similar reason. And the umpire himself, being in most cases the result of a forced compromise between conflicting elements, would in all probability be a man of most suitable character for such a position, that is to say, a man without decided political bias.

Even under this system, danger might arise from such a contingency as the Mayor and State commissioner happening to be partisans of the same school, and nominating the third commissioner to suit their political purposes. The mischief that might ensue from such an accident would probably be of short duration, from the frequent changes that would occur in the Board.

The danger of a *permanent majority* in the State Legislature combining with a *permanent majority* in the city, to oppress and outlaw a minority party within the city, seems too remote to

afford matter of serious alarm, and is in contradiction of all past experience.

In thus venturing to suggest a partial remodelling of the police establishment, your committee do not wish to be understood as retracting one word of what they have before said in commendation of the present law. That law was framed and passed under the pressure of an emergency unparalleled in the history of our State. It was natural that the minds of its framers should be occupied more with immediate exigencies and apprehensions than with more remote dangers. In view of a desperate and perhaps sanguinary collision, at the very threshold of Reform, with a municipal government which had countenanced and patronized the systematic employment of physical force as a legitimate mode of political adjustment, it is not strange that the details of the law should have been planned mainly with reference to that quarter from whence the trouble was anticipated. The overthrow of the *dynasty of terror*, which was the main object of the law, has been accomplished, and accomplished more promptly, peaceably and effectually than the most sanguine hopes of the law-makers could have anticipated. An interval of peace, confidence and security, under the continued beneficent operation of the law is now being realized. It can be no disparagement of the founders of this admirable system to endeavor in good faith, and in the same pure and disinterested spirit which prompted their efforts, to improve the work of their hands, by introducing such additional checks and safeguards against a possible abuse of power as seem necessary to make it an almost perfect system of local government for all future time.

Before proceeding to point out more specifically the precise mode of acting upon the recommendations of this report, there is one other suggestion in the way of reforming our police system which the undersigned deem of too much importance to be omitted. The frequent neglect and violations of duty on the part of *Justices of the Peace* in criminal and police cases within their jurisdiction has been a growing evil in this city, seriously impeding the administration of justice, and thwarting the efforts of the police department in the arrest of offenders, prevention of crime, and preservation of order. This abuse never can be remedied so long as such cases are placed within the control of these magistrates, and the magistrates themselves and their constables are dependent upon the popular vote of their respective localities for their continuance in office. Public opinion has undergone a great change upon the question of an *elective judiciary* since the time when that principle was incorporated into the constitution, and a total reform in this particular may become hereafter a matter for earnest consideration with those who may have authority over the subject. However this question may

be decided, it is very clear that the elective system as applied to Justices of the Peace and Constables, after being practically tested by a costly experience of ten years, has proved, at least in the city of Baltimore, a failure—in fact, a public nuisance. This experiment has established beyond controversy the fact, that these officials so far from being “*elected*” by the people, are, in a majority of cases thrust upon the people by wretched political cliques, the only option left to the people being the privilege of choosing the least of two evils. Among a crowd of obscure and unknown competitors, discrimination is hopeless, and many of our best citizens, in their despair of a suitable selection, decline to vote at all.

The undersigned do not deem it within the province of your Honorable Body to make any recommendation touching the official tenure of Justices of the Peace and their constables, inasmuch as these officials have cognizance of *civil cases*. So far, however, as their jurisdiction in *criminal* matters is vitally connected with the efficiency of the Police department, any practical reforms proposed by you would no doubt command attention and respect in the proper quarters.

It is proposed that all criminal jurisdiction now exercised by Justices of the Peace within the city of Baltimore, should be vested exclusively (except so far as the same is now concurrently exercised by the Criminal Court and other Courts of Record,) in a “Police Court,” to be organized as follows. One Police Judge to be appointed by the Legislature for the term of six years. Another Police Judge to be elected by the people for the term of ten years. The third and Chief Judge should be the Judge of the Criminal Court of Baltimore.

The two Police Judges should hold their courts separately, in opposite sections of the city. They should be constantly in session and accessible at all reasonable hours. Their jurisdiction (which should be concurrent and interchangeable) would be over all arrests and commitments for breach of the peace, and other crimes and misdemeanors, with power to dispose, in a summary way, of all cases of petty assaults, violations of city ordinances, of the licence laws, of the laws for the regulation of the colored population, of the laws respecting vagrants, disorderly houses, &c., and, generally, of all such minor matters as are now within the jurisdiction of the Criminal Court, under the name of “Saturday cases;” reserving, of course, the right of trial by jury in the Criminal Court in all cases in which the party is by law entitled to demand it. One day in each week, the two Police Judges, together with the Judge of the Criminal Court, comprising the “Police Court,” should sit *in bank* for the disposition of cases reserved by reason of their importance or difficulty, and for the hearing of appeals in those cases in which appeals might be

allowed from the decisions of the Police Judges. There should be two clerks, to be appointed by the whole Court, or a majority thereof. The constables, or ministerial officers of the Police Court, should be the entire police force of the city, who should serve all process, and execute all orders, without other fee than their regular compensation. The Police Judges should receive stated salaries, and account for all fees and costs collected from parties, which are now retained by the Justices of the Peace, as their emolument, together with all fines, penalties and forfeitures, to the city treasury. By thus concentrating, into responsible hands, the large and growing revenue to which the city is entitled from these sources; thousands of dollars would annually be saved to its treasury, which are now lost, like water upon sand, amid a crowd of transient and irresponsible magistrates. While, at the same time, the law would be administered with more humanity, and many poor and friendless persons rescued from the petty and capricious extortions too often practiced by justices and constables.

The constitutional establishment of some such tribunal as this, the mere outline of which is sketched above; in addition to the other reforms before indicated, is believed to be all that is wanting to make the police system of Baltimore faithful, impartial and energetic throughout all its departments. Appointed in the manner proposed, the Police court, like the Board of Police itself, would be so constituted as to combine the advantages of two opposing principles, that of a *popular election* and that of *legislative appointment*, and at the same time, would so balance and check the one element against the other, as to neutralize the evils and dangers of both.

Your committee would now call the attention of your Honorable Body to the only practicable means at your disposal for carrying into effect the recommendations of this report.

By the 1st article of the Bill of Rights, it is declared that the people "have at all times, according to the mode prescribed in this constitution, the inalienable right to alter, reform, or abolish their form of government in such manner as they may deem expedient."

The only "*mode prescribed in this constitution*" is that indicated in the 11th Article in the following terms:

"It shall be the duty of the Legislature, at its first annual session immediately succeeding the returns of every census of the United States, hereafter taken, to pass a law for ascertaining, at the next general election of Delegates, the sense of the people of Maryland in regard to the calling of a convention for altering the constitution; and in case a majority of votes cast at said election shall be in favor of calling convention, the Leg-

islature shall provide for assembling such convention, and electing Delegates thereto at the earliest convenient day; and the Delegates to said convention shall be elected by the several counties of the State and the city of Baltimore, in proportion to their representation respectively in the Senate and House of Delegates, at the time when said convention may be called."

The returns of the census of 1860 being completed, the duty will devolve upon the General Assembly, at its next session, to pass the law contemplated by the above cited article. It will then be for the people of Maryland to decide whether they wish to call a constitutional convention or not. If they decide affirmatively, the Legislature will be obliged to provide for its early assemblage.

Your committee would accordingly recommend, in the first place, that your Honorable Body should adopt the first of the resolutions herewith submitted, declaring that in your judgment the rights and interests of the people of Baltimore and of this corporation require that such a convention should be assembled at the earliest practicable day authorized by the constitution of Maryland, and recommending the citizens of Baltimore, at the proper time, to vote for assembling such convention. Also the resolution requesting the delegates who may represent the city of Baltimore in such convention, to secure such amendments to the constitution as are hereinbefore contemplated.

The undersigned earnestly hope that no change which might be made in the organization of the Board of Police prior to the 10th March, 1864, should affect the official tenure of the present excellent Commissioners. But, as preparatory to the inauguration of the *new system* as revised and permanently established by the constitution to be framed as above, they would recommend that the proper efforts should be made at once to obtain from the Legislature such alterations in Article 4 of the Public Local Laws, as would, so far as practicable conform the Police system to the suggestions (if approved by your Honorable body) of this report. To that end, it would be expedient that the two vacancies in the Board which will occur on the 10th March, 1862, should be left unfilled. Your committee, therefore, recommend the adoption of the fourth resolution with its preamble.

It will not, however, escape the notice of your Honorable body, that all the suggestions of this report, as indicated above, even should they be favorably acted upon by the proper authorities, fail in reality to reach the question which is at the root of this difficult problem of the adjustment of political power; and that is the question of *responsibility*. Carefully balanced and jealously adjusted as the Board of Police might be in its composition, unless its ample powers were employed

with a constant reference to ulterior *accountability*, they might be, and in all human probability, would be abused. Experience proves that in a majority of cases the possession of absolute power has a specific and pernicious influence upon the heart. "It makes weak men wicked, and wicked men mad." And although the plan proposed herein might ensure us against the misfortune of wicked men obtaining control of our municipal administration, yet your committee cannot promise that that system, or any other which might be substituted for it, would infallibly protect us against men of the other description.

Your attention has already been directed to the fact, that by law the Board of Police are responsible neither to this Corporation, nor to the people of Baltimore, over both of whom they are clothed with all the functions of local sovereignty, but solely to the Legislature of Maryland. The only theory consistent with Republican principles, or with the safety, liberty and welfare of the people of Baltimore, upon which this feature of the law can be supported, is, that the people of Baltimore are virtually a constituent part of that Legislature through their representation therein.

While this is true in theory, it is yet equally true in fact that a large mass, or rather a large majority of the citizens of Baltimore are not represented in the Legislature, and have consequently no share in the supervision and control of the agents by whom they are governed. To just that extent, therefore, the people of this city are now not only disfranchised, but are made the subjects of an arbitrary and irresponsible power.

It is well known that the present constitutional basis of representation was the result of a compromise between the claims of the populous portions of the State, demanding their full share of numerical power, and the apprehensions and jealousies of the feebler districts. In the Convention which framed the Constitution of 1851, so inadequately were the majority of the people of Maryland represented, that a proposition to make *numbers* the basis of representation to the House of Delegates was voted down by *sixty* in the negative to *seventeen* in the affirmative, and of those seventeen who voted in favor of the basis of population, it was affirmed in Convention by Mr. Brown a delegate from Carroll County, without contradiction, that "they embraced more than half the representation of the freemen of the State." (See Debates of Ref. Conv., vol. 1, p. 136.)

From a Body thus constituted, the utmost that the city of Baltimore could obtain in composition for her just claims was the arbitrary allowance of four more Delegates than those of the most populous county, in the lower House, while in the State Senate her quarter of a million of inhabitants are reduced to an equality with counties which do not poll the vote of the largest of her

twenty wards. So unjust, unfair and anti-democratic an apportionment could only have been acquiesced in by the people of Baltimore as a compromise, founded upon a careful consideration and delicate adjustment of the relations between the City and the Counties, as they existed *at that time*.

Those relations have been seriously affected by the legislation of the last session. From the year 1782, when Baltimore was first incorporated as a "*town*," governed by commissioners, chosen by her own citizens, down to the year 1796, when she received her charter as a *city*, with a local government of her own selection, and from that period down to the time of the enactment of the present police law, at the last session of the Legislature, the local authorities who governed the people of Baltimore, were responsible directly to the people of Baltimore for the proper use of their trust. Such was the condition of things in 1851, when the present constitution was adopted. It is plain that that constitution did not contemplate a change of this condition, although it has been decided that it did not expressly prohibit it. On the contrary, "the leading and governing intent of the framers of the constitution, necessarily inferred from the whole structure of the instrument, was the decentralization of power by distributing it among the local authorities of the State, and by making all local officers elective mediately or immediately by the electors of the locality; in other words, popularizing the whole frame of government." (15 Md. Rep. 402.) This position of the counsel for the city of Baltimore, in the case before referred to, was not controverted by the opposite side, nor overruled by the Court of Appeals, although the implication sought to be derived from it was denied. Accordingly, the counties had the election of their commissioners, sheriffs, justices and constables; and the city of Baltimore was not only guaranteed in a similar right to elect its own peace officers and municipal government, but the 19th section of Article 4, expressly gives to the Mayor and City Council power to "provide by ordinance, from time to time, for the creation and government of such temporary additional police, as they may deem necessary to preserve the public peace."

This condition of things has been totally changed by the law now under review. The counties still continue the independent exercise of their powers of local government, under local officers of their own appointment, while the city of Baltimore is completely stripped of its charter police, which it had controlled for more than half a century, and is now under the absolute authority of a State police, to which sheriff, magistrates, constables, the corporation itself with its funds and franchises, the whole civil and military power of the city, not excepting the

“temporary additional police,” to which the city is entitled by the constitution, are alike, and at all times, subject.

The carefully considered relations of the city to the State, with reference to which the present constitutional basis of representation was adjusted, having been thus vitally disturbed, the necessity for an immediate revision and re-adjustment of that basis has become too apparent for controversy, and too urgent for compromise. The claim of the freemen of Baltimore to their full and adequate representation in the General Assembly has always been a just one, and the relation in which they have been placed towards the State by the police law, imperatively requires that its recognition should be no longer delayed.

A reform in the basis of representation, however, should be accompanied with such a change in the manner of apportionment as to quiet the apprehensions of those people in the rural districts who are alarmed at the concentrated influence which Baltimore would possess in the councils of the State, if her numbers were represented there *in solido*. This could be effected by dividing the city into assembly districts, instead of electing the entire delegation upon general ticket. By this arrangement the voice of the minority would be always heard, even upon the supposition, which is by no means a probable one, that a majority in the city would be disposed to encroach upon the rights of the people of the counties.

Entertaining these views, your committee respectfully submit for the consideration of your honorable body the accompanying ordinance and resolutions, and earnestly recommend their adoption.

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch

“Whereas sundry indispensable reforms, necessary for perfecting and assuring the government and police of the city of Baltimore, require for their consummation an alteration and amendment of the present Constitution of the State of Maryland, according to the mode prescribed in said Constitution :

1. Be it resolved by the Mayor and City Council of Baltimore, that the rights and interests of the people of Baltimore and of this Corporation do, in their judgment, demand that a constitutional convention should be assembled at the earliest convenient day authorized by the Constitution of Maryland; and the citizens of Baltimore are hereby recommended, at the time contemplated by the 11th Article of the Constitution, to vote for the assembling of such a convention.

2. And be it further resolved, that in case the people of Maryland should decide in favor of calling a constitutional convention as aforesaid, the delegates who may be elected to represent the city of Baltimore therein are hereby respectfully requested to use their best endeavors to secure the adoption of such amendments as may, in their judgment, most effectually carry out the recommendations embodied in the report to which these resolutions are annexed, in regard to the re-organization and permanent establishment of the police department, both in its ministerial and judicial branches, within the city of Baltimore.

3. And be it further resolved, that the said delegates be further respectfully requested to secure such an arrangement of the constitutional basis of representation, as will give to the people of Baltimore their full and just proportion of representation in the General Assembly of Maryland.

And whereas, in the judgment of this body, the welfare of the people of Baltimore and of this Corporation, requires additional legislation for its security; therefore—

4. Be it further resolved, That a joint special committee be appointed to prepare a memorial upon the basis of the Report of the joint standing Committee on Police and Jail, which, when approved and adopted by the Mayor and City Council, shall be submitted to the General Assembly of Maryland, at its next meeting, and that the Senator and Delegates who may represent the city of Baltimore therein, be respectfully requested to influence the adoption of such legislation as may be prayed for in said memorial.

Mr. Bolgiano offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the City Commissioner be, and he is hereby respectfully requested to inform this Branch what amount of money would be required to place in substantial travelling order, the Point lane, from Gay street across Harford road to the York road; also, the Harford road, from its intersection with Britton and Aisquith streets to the city limit; also, the Ferry road, from the present paved part of Light street to the city limit.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order, and adopted.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, February 15, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Myers moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

Mr. Bandel offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the City Commissioner be, and he is hereby requested to inform this Branch, at his earliest convenience, of the probable cost of the erection of a fire-proof vault for the use of the office of the City Collector.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution discharging the joint standing committee on Highways from the further consideration of the petition of C. Gunther and others, and the resolution discharging the same committee from the further consideration of the resolution requesting said committee to examine into the condition of South Chester street, between Gough street and Eastern avenue, severally endorsed "concurred in."

On motion of Mr. Chase, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, February 18th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Yeisley presented the petition of M. Hamalt and Anthony J. Schroeder, asking to be permitted to retain a shed erected in the rear of their premises, on Washington street, between Wilk and Bank streets, which was referred to the joint standing committee on the Fire Department.

Mr. Brown presented the petition of Johns Hopkins and others, asking for the repeal of the ordinance heretofore passed for the widening and opening of Holliday street, which was referred to the joint standing committee on Highways.

Mr. Drakeley presented the petition of the Baltimore and Ohio Railroad Company, asking to have Conway street, between Howard and Eutaw streets, closed, which was referred to the joint standing committee on Highways.

Mr. Allen presented the petition of M. C. Smith, asking the passage of an ordinance granting him the privilege to erect a frame shed and office on a pier on Light street wharf, between Barre and Lee streets, which was referred to the joint standing committee on the Harbor.

Mr. Bandel presented the petition of George Hilge, asking permission to sink an Artesian well, near the intersection of Sharp and Conway streets, at his own expense, which was referred to the joint standing committee on Water.

The following communication was received from the City Counsellor, and referred to the joint standing committee on the Fire Department:

BALTIMORE, *February 18th*, 1861.

To the Honorable the First Branch

of the City Council:

GENTLEMEN :

By the 2d Section of Ordinance No. 35 of the Revised Ordinances of 1858, no building having more wood on the outside

of the building than is required for door or window frames, roof, eaves, cornices, doors, sash, shutters, porticoes, and wooden steps to the first floor above ground, shall be erected; nor shall any building, which shall have frames or posts sunk in the earth, or placed upon any other material, for the purpose of covering the exterior thereof by lathing or plastering the same. And by this section, buildings not complying with the above requisites shall be deemed wooden or frame buildings. The words used here are *outside* and *exterior*. There being necessarily four walls to each house, all of them must be considered as outside or exterior walls; and regarding each house as being a distinct or separate building, the provisions of the second section must necessarily extend to all these walls. Where, however, one or more houses are built together, and there are party or division walls between them, the question may then arise whether the provisions of this second section require these party or division walls to be built of some other material than wood or frame. If the construction put on this section permits the party or division walls to be of wood or frame, then in the most important part of the building there is a failure, and the object of the section is not carried out. My opinion is, however, that each building must be regarded as a separate and distinct house, and that under this section of this Ordinance all four of the walls must be of some substance other than frame or wood. There is doubt and obscurity owing to the language used, but the sound construction is the one which will to the greatest extent carry out the manifest purposes and objects of the law, which was to permit only so much wood or frame work as was unavoidable.

The 8th Section of this Ordinance, in referring to buildings of brick and stone, in express terms says, that the side walls or party walls shall be of brick and stone, and shall extend from the foundation to the top of and through the roof, &c. It can hardly be supposed that it was designed to permit any building of any kind to have side or party walls constructed of wood or frame; and hence I am forced to the conclusion that under the provisions of Section 2d, any building which has any of its walls, whether outside in the ordinary acceptation, or party walls of wood or frame, must be considered a wooden or frame building, and hence none such can be built.

According to my construction of the 2d Section of the Ordinance, any building which has more wood on the outside or exterior than is required for door and window frames, &c., or which shall have frames or posts sunk in the earth, or placed upon other material for the purpose of covering the outside or exterior thereof (including all four of the walls) by lathing and plastering, is a frame building.

To exemplify my meaning: a house built of brick or stone, with all the walls of that material except the side walls or partition walls, is a wooden or frame building under the true construction of this second section.

It may not be improper, in connection with this subject, to refer to the powers of the Mayor and City Council as derived from the Legislature. They are broad and comprehensive, and if properly exercised, are ample to meet all emergencies.

Under the Act of 1796, ch. 62, sec. 8., the Corporation has power "to prevent and remove nuisances;" also "to regulate party walls and partition fences;" and also "to enact by-laws for the prevention and extinguishment of fires." Under the Act of 1797, ch. 54, sec. 2, the Corporation has power "to direct in future in what parts of the city buildings of wood shall not be erected."

By the Code, sec. 29th of Art. 4th, the Corporation "may direct in what part of the city buildings of wood shall not be erected;" and by the 39th section, it is provided that "they may pass ordinances for preserving order, securing property and persons from violence, danger, and destruction, protecting the public and city property, rights, and privileges from waste and encroachment, and for promoting the great interests and insuring the good government of the city;" and by sec. 798, Art. 4, the Corporation "has power to prevent and remove nuisances;" and by section 823, the Mayor and City Council have power "to regulate party walls, &c."

It will thus be seen that when the Revised Ordinances of 1858 were passed, the Mayor and City Council had power "to direct in what parts of the city buildings of wood should not be erected." This power does not give authority, however, to define what buildings shall be considered as buildings of wood. The power is limited to say in what places buildings of wood shall or shall not be erected, but here the power stops, and the question must remain, what is a building of wood? To determine this, it must be ascertained what were buildings of wood when the law granting the power to regulate was passed. Beyond this the prohibition cannot be extended, at least under this part of the law. There was, however, an addition to this power to prevent and remove nuisances; also to regulate party walls, and also to prevent and extinguish fires. These powers seem to me to be broad enough to authorize all regulations which the Mayor and City Council may deem necessary in relation to party walls, and also to require buildings to be so erected as to prevent fires, and to enable them to be extinguished with the least loss. Where, however, the powers of a corporation are limited, it seems always best to show that the exercise of it is within such limits. This is not the case with Ordinance No. 35, which

is entitled "an ordinance to prevent the erection of frame and wooden buildings within the limits of direct taxation, and to regulate the erection of other buildings." As this ordinance now stands, it might be doubtful if many of its provisions are binding, and certainly, except so far as it may be authorized by some of the laws already referred to, it cannot be enforced. There was no power in the city prior to the passage of the Code to regulate the erection of buildings, except to the following extent, first, to determine where buildings of wood should not be erected; second, to prevent any buildings from being so built as to be dangerous or a nuisance; third, to regulate party walls, and lastly to cause buildings to be so erected as to prevent and extinguish fires. Anything beyond this was clearly illegal.

Under the Code the powers of the city are greatly enlarged, and wisely so, and many questions which might have been made before its passage can no longer be made. To obtain the full advantages of this enlargement of powers, however, it might be wise in all cases where under the former laws the power to pass the ordinance was doubtful, to re-enact them.

Ordinance No. 35 is expressed in ambiguous language, and it might with advantage be revised, and such regulations might now be made as would hereafter prevent the erection of houses which might be dangerous either in respect to fires or to the safety of those who may live in them.

GEO. M. GILL, *City Counsellor*.

Mr. Yeisley called up the resolution appropriating sixteen thousand dollars to the House of Refuge, which was read and concurred in.

Mr. Staylor presented the following resolution, which was read and referred to the joint standing committee on Highways,

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be, and he is hereby authorized to have flagstones placed at the following localities, viz: across Monument street, at Liberty alley; across Constitution, at Fall street; across Madison, at Forest street; at the intersection of McKim and Madison streets, McKim and Neighbor, Eager and McKim; also, two rows at Forest and Eager streets; two rows at Fall street and Liberty alley; the same at Constitution and Eager streets; the same at Truxton and Forest streets; the same at Greenmount avenue and Truxton street; also, one row crossing Truxton street at Greenmount avenue; the cost of the same to be provided in the levy for flag and stepping stones for 1861.

Mr. Bouldin called up the resolution discharging the joint standing committee on Highways from the further consideration of the petition of Henry White, which was read and concurred in.

An invitation was received from the House of Refuge Sabbath School Association, to attend their Second Anniversary Meeting, on to-morrow evening, at Eutaw Street Methodist Episcopal Church, and the same, on motion of Mr. Bolgiano, was accepted.

Mr. Phelps called up the resolution authorizing the City Commissioner to have a gas lamp placed on the northwest corner of Hamilton and Little Courtland streets.

On motion of Mr. Myers, the resolution was referred to the joint standing committee on Police and Jail.

On motion of Mr. Phelps, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

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The following ordinance and resolutions were presented to the Mayor on the 16th instant:

An ordinance to repeal all that part of an ordinance entitled "An ordinance to condemn and open Carey street and Calhoun street, between the limits embraced by Lexington street and the Northern boundary of the city," passed at the continued session of 1859, Ordinance No. 112, approved September 20, 1859, so far as the said ordinance applies to all those parts of Calhoun street and Carey street that lie between the southernmost outline of the Catholic Cathedral Cemetery in Baltimore city and the Northern boundary of Baltimore city.

Resolution directing the City Commissioner to place stepping stones across Eutaw street, to intersect with the south side of Montgomery street.

Resolution directing the Water Engineer to have erected a steam fire plug at the northeast corner of Hanover and Pratt streets.

Resolution directing the Water Engineer to have the pump on East street, between Fayette and Douglas streets, put in good order.

Resolution directing the City Commissioner to have a gas lamp placed on the corner of Exchange alley and a private alley in the rear of the warehouses on the north side of Exchange Place.

Resolution directing the Water Engineer to have erected a steam fire plug on Front street, immediately opposite High street.

Resolution granting permission to Alexander Geddes, to erect and use a lamp, opposite to his store, No. 30 North Eutaw street.

Resolution in favor of Allen E. Forrester.

Resolution authorizing the City Auditor to execute to or join with J. Shaaff Stockett, trustee, in the execution of certain deeds.

Resolution authorizing the Comptroller to have two oil lamps placed on Greenmount avenue, north of Chase street.

Resolution in favor Peter Duffy, a deaf mute.

Resolution authorizing William Devries to use certain streets for the deposit of materials for building purposes.

Resolution instructing the Comptroller to advertise for proposals to erect certain works in the harbor.

Resolution directing the Comptroller to have suitable book cases placed in the committee rooms adjoining the chambers of the City Council.

Resolution granting permission to David Dickinson to use a Portable Steam Engine in the rear of his premises, No. 24 North street.

Resolution directing the Water Board to have a certain pump in Granby street repaired.

Resolution directing the Water Engineer to have the pump at the corner of Eastern Avenue and President street repaired.

Resolution granting permission to Jonathan Meredith to widen the area in front of his property, No. 43 Franklin street, three feet.

Tuesday, February 19th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Allen presented the remonstrance of Henry F. Garey and others, against the petition of George Hilge, heretofore presented to the Branch, asking permission to sink an Artesian well, near the intersection of Sharp and Conway streets, at his own expense, which was referred to the joint standing committee on Water.

Mr. Dixon presented the petition of Henry Travers, asking permission to enlarge his pier at the foot of Camden street, which was referred to the joint standing committee on the Harbor.

Mr. Nicholas presented the remonstrance of J. Cross and others, against the passage of an ordinance, to authorize the running of the cars of the City Passenger Railway Association on Sunday, which was referred to the joint select committee on the City Passenger Railway Association.

Mr. Bouldin presented the petition of John G. Borcharding, asking the return of certain taxes overpaid, which was referred to the joint standing committee on Claims.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and an ordinance entitled "A supplement to an ordinance entitled 'An ordinance to preserve the health of the city of Baltimore,' " approved July 27, 1858, which were read and laid on the table:

The undersigned, joint standing committee on Health, to whom was referred the supplementary ordinance entitled an ordinance to preserve the Health of the City of Baltimore, respectfully report that after mature deliberation they are of opinion that its provisions cannot be successfully brought into practice, and they therefore offer the following supplementary ordinance as a substitute, embracing as it does the first and second sections of the supplement referred to us with a third and fourth section, constituting the vaccine physicians as an auxiliary board to the present Board of Health, thereby securing to the city a body of men whose advice and concentrated action cannot but be bene-

ficial and honorable to the general interests of all concerned, while at the same time the city will have one salaried officer less.

D. E. THOMAS,
JOHN BOLGIANO,
H. H. CHASE,

First Branch.

JOHN W. WILLSON,
WM. DEAN,
ASA HIGGINS,

Second Branch.

The President presented to the Branch an invitation from J. Lyle Clarke, commanding the Independent Greys, to be present at their Twenty-Eighth Annual Ball, on the evening of the 22d instant, in the Hall of the Maryland Institute.

On motion of Mr. Staylor, the invitation was accepted.

The following communication was received from the City Commissioner, and referred to the joint standing committee on Highways:

CITY COMMISSIONER'S OFFICE,
Baltimore, February 19th, 1861.

*To the President and Members
of the First Branch of the City Council:*

GENTLEMEN :—

In answer to your resolution of inquiry, requesting me to inform your honorable body the cost of constructing a sewer across Holliday street from the N. E. intersection of said street and Saratoga street, to the S. W. intersection thereof. And the cost of enlarging the mouth of the present sewer on the north side of Saratoga street, and also the cost of repairing the cross street.

I beg respectfully to reply that I have examined the same and find that to construct a sewer as above mentioned, would cost about *five hundred dollars*. In my opinion there can be nothing gained by the construction referred to, as the dimensions of the two inlets are greater than the large tunnel. Though I would recommend the enlarging of the mouths of the four inlets which

will give a better flow for the water to the large sewer, the cost of which will be about "seventy five dollars."

Respectfully submitted,

H. J. BAYLY,
City Commissioner.

A resolution prohibiting any officer of the corporation or any officer holding office under any board of trustees or otherwise, from taking or receiving any perquisite or fee of any kind whatsoever, however sanctioned by usage or custom, except such compensation as is allowed by law, under the penalty of dismissal from office, whenever information, with the proof thereof, shall be received either by the Mayor or City Council, was received from the Second Branch, read and laid on the table.

A report from the joint standing committee on Ways and Means, with an ordinance entitled "An ordinance to abolish the office of the Commissioners for Opening Streets in the city of Baltimore, and to confer their powers on the Appeal Tax Court," were received from the Second Branch and read.

On motion of Mr. Nicholas, the ordinance was read a second time, by special order, and passed.

Mr. Blanchard, from the joint standing committee on City Property, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on City Property, to whom was referred the petition of Catherine Hooek, praying the division of a certain ground rent or annuity, now paid by herself and another person in certain proportions, submit the following report:

The division of the rent or of the lot-out of which it issues, will lessen its market value, and they cannot recommend that the prayer of the petition should be granted. They submit the following resolution.

E. WYATT BLANCHARD,
GEO. S. BANDEL,
THOS. J. BROWN,

First Branch.

JAS. B. GEORGE, SR.
WM. DEAN,
WM. SWINDELL,

Second Branch.

Resolved by both branches of the City Council of Baltimore, That the committee on City Property be discharged from the further consideration of the petition of Catherine Hooek.

Mr. Bouldin gave notice of his intention to ask leave to introduce an ordinance entitled "An ordinance appointing a messenger to the Mayor and a janitor of the City Hall, fixing their compensation and prescribing their duties."

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,
Baltimore, February 19, 1861.

*To the Honorable, the Members
of the First Branch of the City Council:*

GENTLEMEN :—

I have approved of, and signed, the following Ordinance and Resolutions, emanating from your body, viz:

An ordinance to repeal all that part of an ordinance, entitled "An ordinance to condemn and open Carey street and Calhoun street, between the limits embraced by Lexington street and the northern boundary of the city," passed at the continued session of 1859, Ordinance No. 112, approved September 20th, 1859, as far as the said ordinance applies to all those parts of Calhoun street and Carey street that lie between the southernmost outline of the Catholic Cathedral Cemetery in Baltimore city and the northern boundary of Baltimore city.

Resolution granting permission to Alexander Geddes to erect and use a lamp opposite his store, No. 30 N. Eutaw street.

Resolution directing the Water Engineer to have erected a steam fire plug on Front street, immediately opposite High street.

Resolution directing the City Commissioner to have a gas lamp placed on Exchange alley, at the corner of a certain private alley.

Resolution in favor of Peter Duffy, a deaf mute.

Resolution directing the Water Engineer to have erected a steam fire plug at the N. E. corner of Hanover and Pratt sts.

Resolution directing the City Commissioner to have stepping stones placed across Eutaw street at Montgomery street.

Resolution directing the Water Engineer to have repaired the pump on East street, between Fayette and Douglas streets.

Resolution authorizing William Devries to use certain streets for the deposit of materials for building purposes.

Resolution relative to the pump at the corner of Eastern avenue and President street.

Resolution directing the Comptroller to have book cases placed in the committee rooms adjoining the chambers of the City Council.

Resolution relative to the pump on the south side of Granby street, near Central avenue.

Resolution granting permission to Jonathan Meredith to widen the area in front of his property, No. 43 Franklin street, three feet.

Resolution granting permission to David Dickinson to use a portable steam engine on his premises, No. 24 North street.

Resolution authorizing the Comptroller to have two oil lamps placed on Greenmount avenue, north of Chase street.

Resolution directing the City Auditor to execute or join with J. Shaaff Stockett, trustee, in the execution of certain deeds.

Resolution in favor of Allen E. Forrester.

Resolution instructing the Comptroller to advertise for proposals to erect certain works for the harbor.

Respectfully,

GEO. WM. BROWN, *Mayor*.

Mr. Bandel presented to the Branch an invitation from D. A. Hollingshead, to visit the Western Female High School on Thursday next, at 11 o'clock.

On motion of Mr. Bandel, the invitation was accepted.

Mr. Blanchard offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be and he is hereby authorized and directed to erect a gas lamp on the south-east corner of Eager street and Morton alley, the expense of the same to be paid out of the appropriation for lamps and pillars for 1861.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard presented the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be and he is hereby authorized and directed to have stepping stones placed across Read street at its intersection with the west side of Charles street, the expense of the same to be paid out of the appropriation for flag and stepping stones for 1861.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Myers called up the ordinance entitled "An ordinance providing for the appointment of a keeper of refuse material belonging to the corporation," which was read.

On motion of Mr. Myers, the ordinance was referred to the joint standing committee on Ways and Means.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Bandel moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Bandel and Brown, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Yeisley, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, February 20th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Bandel presented the petition of Wm. H. King, asking permission to erect a frame summer kitchen in the rear of his premises, No. 345 East Monument street, which was referred to the joint standing committee on the Fire Department.

Mr. Bouldin called up the resolution requesting the City Collector to inform this Branch if the bills for city and State taxes for 1860, were delivered to each person or their agent, before the first of August last, and the time and place of delivery noted; and if the written or printed notices (as required by the ordinance approved 16th December, 1859,) were delivered to each person who had not paid his or her taxes, on or before the first day of November last, as required; and what amount of costs, for distrainments, has been collected and to whom paid, from tax payers, since the first day of February by the bailiffs in his office, which was read and adopted.

Mr. Crout called up the resolution authorizing the Comptroller to lease a suitable lot, as near as practicable to the Western Hay Scales, for the use of hay and straw wagons.

The question pending being the motion of Mr. Staylor to amend the resolution by inserting after the word "practicable," in the fourth line, the words "and also to lease or purchase a lot as near the Eastern Hay Scales as practicable," the same was determined in the affirmative.

Mr. Bolgiano moved to further amend the resolution, by adding after the last word, the following words, "And be it further resolved that immediately after the rules and regulations named in the first resolution shall have been adopted, the Comptroller is empowered to secure the lots at the lowest price for a given time," which was determined in the affirmative.

Mr. Blanchard moved that the resolution be recommitted to the joint standing Committee on Commerce, which was determined in the affirmative.

A resolution directing the City Commissioner to have a gas lamp placed in front of the new building of the Home of the Friendless, on Ross street near Townsend street, was received from the Second Branch, read and laid on the table.

A report from the joint standing committee on the Almshouse, with a resolution discharging the committee from the further consideration of the accounts of the Almshouse, were received from the Second Branch and read.

On motion of Mr. Hay, the resolution was read a second time, by special order, and concurred in.

The Second Branch returned the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to provide for the appointment of Superintendents of Streets, and to prescribe their duties,'" approved May 31, 1858, endorsed "will pass with proposed amendment."

Amendment proposed:

Insert after the word "dollar," in the sixth line of the first section, the words "and twenty-five cents."

Mr. Dixon moved that the Branch concur in the amendment, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Dixon:

Yeas—Messrs. Yeisley, Wolf, Myers, Dixon, and Crout—5.

Nays—Messrs. President, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Nicholas, Blanchard, Drakeley, Allen, Chase, Hay, and Tegmeyer—13.

Mr. Dixon moved that a message be sent to the Second Branch, proposing, with their concurrence, the appointment of a joint committee of conference on the ordinance, which was determined in the affirmative.

The President appointed Messrs. Dixon, Crout, and Bolgiano, as the committee on the part of this Branch.

On motion of Mr. Drakeley, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*.

The following ordinance was this day presented to the Mayor:

An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation.

Thursday, February 21st, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Wolf presented the petition of E. H. Frazier, asking permission to occupy from five to ten feet from the curb, of Thames street, in front of his premises, for the purpose of repairing boilers, &c., which was referred to the joint standing committee on Highways.

Mr. Staylor presented the petition of Thomas Coburn, asking compensation for the construction of a stone arch under Eager street, and to be repaid for certain expenses incurred by him, which was referred to the joint standing committee on Claims.

Mr. Chase presented the remonstrance of E. Y. Reese and others, against closing Conway street, which was referred to the joint standing committee on Highways.

Mr. Crout offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioner be, and he is hereby authorized and directed to have the pump in Preston street, near Ross street, repaired; the expense of the same to be taken out of the appropriation for repairs of pumps for the year 1861.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution directing the City Commissioner to have stepping stones placed across Read street, at its intersection with the west side of Charles street, and the resolution directing the City Commissioner to erect a gas lamp on the southeast corner of Eager street and Morton alley severally endorsed "concurring in."

On motion of Mr. Myers, a message was sent to the Second Branch, proposing, with their concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, February 21st, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your request for the appointment of a joint committee of conference on the disagreement between the two Branches of the City Council in reference to the ordinance supplementary to the ordinance providing for the appointment of Superintendents of Streets, and to prescribe their duties. We have appointed Messrs. Swindell, George, and Willson, as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Brown presented an invitation to the Branch from David Dickinson, to attend an exhibition of the power and efficiency of his patent centrifugal gun, on Friday the 22d instant, at 12 o'clock M.

On motion of Mr. Staylor, the invitation was accepted.

Mr. Bolgiano called up the ordinance entitled "A supplement to an ordinance entitled 'An ordinance to preserve the health of the city of Baltimore,'" approved July 27, 1858, which was read.

Mr. Bolgiano moved to amend the ordinance by striking out the words "the duties prescribed in the said ordinance," in the sixth and seventh lines of the second section, and inserting in lieu thereof the words "his duties as Commissioner of Health," which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by striking out the words "this ordinance," in the third line of the third section, and inserting in lieu thereof the words "the ordinance to which this is a supplement," which was determined in the affirmative.

The question recurring on the passage of the ordinance, the same as amended, was passed.

A resolution directing the Messenger to the Mayor to hoist the national flag on the City Hall, on the morning of the 22d instant, in honor of the memory of Washington, was received from the Second Branch and read.

On motion of Mr. Myers, the resolution was read a second time, by special order, and concurred in.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, February 21st, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Bolgiano moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Bolgiano and Myers, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Phelps, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, February 25th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Bolgiano presented the petition of Emanuel Crocker, asking permission to erect a verandah in front of the building he is now erecting on Ensor street, near East street, which was referred to the joint standing committee on Highways.

Mr. Allen presented the remonstrance of George C. Addison and others, against closing Conway street, which was referred to the joint standing committee on Highways.

The President presented the petition of Thomas W. Morse, asking to be allowed to make a certain alteration in his dwelling, No. 127 North Eden street, which was referred to the joint standing committee on the Fire Department.

Mr. Bandel presented the petition of Messrs. Barrack & Phillips, asking to be allowed to use a certain building, on the corner of Fremont and Ramsey streets, for a sale and livery stable, which was referred to the joint standing committee on Police and Jail.

Mr. Phelps, from the joint standing committee on Police and Jail, submitted the following report and resolutions, which were read and laid on the table:

The joint standing committee on Police and Jail, to which was referred the report of Robert Sullivan and others, Jail Building Commissioners, (see First Branch Jour., pp. 243, 251,) report as follows:

In the said communication the commissioners take exception to the previous report of your committee on the subject of the new Jail, and complain of the charges therein preferred against the imperfect and insufficient manner in which a portion of the building had been constructed, as having been made *ex parte*, and with no opportunity afforded to the parties implicated to make either justification or explanation.

The undersigned, for the purpose of precluding the possibility of such a charge, had, before their first report was submitted, made, as they supposed, every reasonable effort to secure an interview with these gentlemen, to elicit from them

such information as they had to give. To that end, on the 25th January, a notice was served upon the Commissioners, which is filed with this report. Subsequently, a verbal notice was directed to the same parties, through the doorkeeper of the First Branch, to meet your committee at the Jail at a given day. Both of these notices failed to secure the meeting desired. The former report of the undersigned was prepared under the impression that this failure was intentional on the part of the Commissioners. Circumstances subsequently brought to the knowledge of your committee by these parties, have corrected that impression. It is but just, therefore, that any unfavorable inferences founded upon that erroneous though natural belief, should be removed.

Immediately after the communication in question was referred to the undersigned, they met the Jail Commissioners by appointment, and after hearing their explanations, promptly assured them that they should have the most ample justice done them in the matter, and that the committee would proceed at once to a thorough re-investigation of the Jail question, uncommitted by anything they had previously said. It was accordingly agreed, on both sides, that a joint visit should be made to the Jail on Wednesday, the 20th (February) instant, and that the entire Council, together with such other parties as might choose to be present, should participate in the examination then and there to be made.

At the time appointed, the undersigned met at the Jail the entire Building Committee, consisting of Messrs. Sullivan, Wood, Beale, McComas and Lamdin, accompanied by Mr. J. W. Maxwell, of the firm of J. W. Maxwell & Co., contractors for completing the Jail, and Mr. Thos. Dixon, of the firm of Thos. & J. M. Dixon, architects for the same. A large number of members of the Council from both Branches were also in attendance. Mr. Henry Reynolds, one of the original contractors of the Jail, on the "Bryant Plan," was there by invitation, as were also Messrs. Adams, Kemp, Markland, and other competent and experienced builders and mechanics.

Your committee will not take this occasion to repeat what they have said in their former report in commendation of those features of the Jail which deserve approbation. They will confine themselves simply to the points at issue.

The undersigned first directed attention to the *stone wall* separating the Warden's house from the prison yard. The mortar in this wall was freely examined by those present, and was admitted on all hands to be defective. It seemed to have no cohesive property whatever, being readily removable from the joints in large flakes, and crumbling with the easiest pressure. It was obviously deficient in lime. Your committee will notice

hereafter the various extenuations pleaded by the commissioners and the contractor.

Passing into the Jail proper, a cell was taken at random for the purpose of examination. It happened to be in the fourth story of the South wing, in the eastern corridor. With no other implement than a common penknife, a number of bricks were without difficulty removed from the pavement. According to the architects' specifications, which the undersigned read aloud in the hearing of all present, this pavement should have been "thoroughly grouted by pouring in a thin cement grouting." If the specifications had been complied with in this particular, the pavement would have been not only waterproof but immovable. The cement would have become as hard as the brick, and the floor could not have been displaced except by breaking the bricks themselves.

The cells being a series of arches, the floor of this particular cell was of course supported on the crown of the arch beneath it, and upon what should have been a solid concrete, filling the spandrels of the arches on either side. Properly, this concrete throughout the entire structure should have been made with *cement*. This was not consistent with the reduced costs of the plan submitted by the Messrs. Dixon, and adopted by the Mayor and City Council, the specifications of which required this concrete filling to be made of "spawls of stone and brickbats broken small, mixed with gravel and sharp grit-sand, and thoroughly grouted with the best fresh wood-burned lime mortar."

The pavement of this cell having been removed as stated, in a spot directly over one of the spandrels of an arch, your committee were authorized to expect, after removing an inch or two of sand in which the pavement was laid, to find a *concrete filling*. Nothing of the kind appeared. The spandrel was filled with dirt, rubbish, and stones, down to the brick arch composing the ceiling of the cells below, with no appearance of mortar, and no trace of lime.

The contractor, who was present, expressed his mortification at this development (which he stated to be entirely unexpected by him), and wished the experiment to be repeated in a different cell. Your committee, with the other gentlemen present, then removed to the opposite (North) wing of the building, ascended to the fifth story, and with the assent of the contractor and the commissioners, selected at random a cell on the western corridor. The same experiment was repeated, and with precisely the same result. The pavement was not "thoroughly grouted" with cement; the spandrel of the arch, instead of having a "concrete filling," was simply stuffed with rubbish.

Considerable time having been consumed in these operations,

it was not deemed necessary to continue the exploration further. A casual inspection, however, gave evidence of the existence of similar defects in a number of other cells, in various parts of the jail, from the gaping joints and sunken appearance of the pavements.

A striking contrast was exhibited between the work thus examined and the cells built by the former contractor under the original plan. At the time the plan was changed, the South wing had been carried up to the height of two stories, and the North wing three stories. The cells in those corridors built by the Messrs. Reynolds were compactly and solidly constructed, the spandrels of all the arches having been filled with solid masonry, laid in hydraulic cement flush with the crowns of the arches.

With regard to the floors, arches, and walls of the *sink rooms* in the four corner towers, the previous report of your committee was fully substantiated. The contractor himself admitted that the saturation of the masonry in those places would ultimately be *ruinous* to the structure. The causes of this defect, like the causes of the other defects mentioned, were two-fold. First, the insufficiency of the *specifications*, which should have required the best hydraulic cement throughout, in order to have made the mason work water-proof and vermin-proof; *second*, the non-compliance of the work done with even those insufficient specifications, which did require the *floors* at least of the cells and sink rooms to be "*thoroughly grouted with cement.*"

In their first interview with the Jail Building Commissioners, these gentlemen, in justification of their approval of the work in question, stated that they could not do otherwise than pass the work, inasmuch as it complied with the architect's *specifications*, for which they did not hold themselves responsible. The same statement is set forth in their Report, see First Branch Journal, page 245. Upon its being shown that the work did not come up to the specifications, they stated that the architect was also the *superintendent*, and that it was his business to see that his specifications were carried out in detail. Upon referring to the architect, he stated that it was not his business to reject work which did not conform to the contract, and that he was not employed to superintend the execution of his plan. Upon inquiry to the contractor, he stated, so far as the imperfect mortar was concerned, that the deficiency could be readily accounted for from the fact that it was laid in freezing weather.

Upon this point, the following citations from the contract are relevant.

"It shall be the duty of the contractor or contractors for the respective works, to protect and preserve the same, and whatever appertains thereto, and if their work or materials shall re-

ceive injury from any cause, they shall *renew*, repair or make good the same, so that at the conclusion of the works *every part* of the building may be *complete and perfect*."

"Any part of the work or materials which may be unsound, improper or unfit for the purpose, or not in accordance with the contract, shall be removed, altered or made good by the contractor."

The contract requires the mortar to be made of "fresh, wood-burned lime and sharp grit sand, free from loam or dirt, and in proper proportions, made up in the most approved manner, and put in stack and thoroughly mixed and tempered before using."

The final clause of the contract calls for the "*best materials and workmanship*" throughout.

With respect to the absence of "concrete filling" in the spandrels of the arches, the contractor evidently took it for granted that the contract in this particular had been fulfilled by the sub-contractor. Upon further inquiry, it appeared that the sub-contractor did not understand it to be part of his contract to fill the spandrels with concrete, as he stated that he only undertook to lay the *brick work*.

Amidst these contradictory explanations, your committee respectfully decline to undertake the delicate task of adjusting the respective proportions of responsibility among the various parties implicated, but beg to leave your honorable body to draw your own inferences, and the parties in interest to settle the matter amongst themselves.

In this Report the Commissioners state that the materials of the old Warden's house were sold by them at public auction, for \$500, and the money paid into the city treasury, (First Branch Journal, 245.) No account, however, is given of the materials of the old jail itself, which your committee have heard estimated at the value of \$10,000. The contractor claims, with the acquiescence of the building committee, that these materials all belonged to him under his contract. Allowing that to be the fact, their value should have been estimated, and added to the cost of the New Jail. But your committee do not by any means admit, that by a true construction of the contract, the old jail became the property of the contractor. A question as to the correct interpretation of a legal instrument being involved, the subject is a proper one to be referred to the Counsellor of the City for his opinion, and action if necessary.

Your committee therefore recommend the adoption of the

accompanying resolution, and beg to be discharged from the further consideration of the subject.

CHAS. E. PHELPS,
H. H. CHASE,
THOS. J. BROWN,
First Branch.

WM. DEAN,
F. W. ALRICKS,
JESSE MARDEN,
Second Branch.

Resolved by both Branches of the City Council, That the contract of Messrs. J. W. Maxwell & Co. for the completion of the Jail and appurtenances, dated the 19th day of July, 1858, be referred to the City Counsellor for his legal opinion as to whether, upon a true construction of said instrument, the old City Jail then standing in the neighborhood of the site upon which the new Jail was being erected, and which remained there until the new Jail was completed and occupied, became the property of the said contractors.

And be it further resolved, That in case the City Counsellor shall be of opinion that said old Jail did not become the property of said contractors, that officer be, and he is hereby authorized and directed to take the proper legal steps to protect the interests of the city in the premises.

COUNCIL CHAMBER, January 25, 1861.

To the Building Committee of the New Jail:

GENTLEMEN:—The committee on Police and Jail are preparing to submit a report, in which they will feel called upon to reflect upon some points in connection with the construction of the New Jail. That no injustice may be done to your committee, we invite you, or as many of you as deem proper, to meet us in the committee room after the adjournment of the Council on Monday evening next.

Respectfully yours,

CHAS. E. PHELPS,
Chairman committee on Police and Jail.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the Commissioners for Opening Streets be, and they are hereby requested to suspend further proceedings in the case of opening and condemning Warner street, from Elbow lane or Little Camden street to Columbia street, and to furnish this Branch with the amount of expenses already incurred to date.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

The following communication was received from the City Collector:

CITY COLLECTOR'S OFFICE,
Baltimore, February 22, 1861.

*To the Honorable the First Branch
of the City Council of Baltimore:*

GENTLEMEN :

The resolution of inquiry passed by your honorable body is before me, and though I cannot answer affirmatively the interrogatories propounded, nevertheless I promptly reply—

First. Were the tax bills for State and city taxes delivered to tax payers on or before the first day of August, as called for by ordinance?

To this question I reply, that the bills of 1860 were not all delivered by that date, owing to the fact that the levy for that year was not made in time to enable me to commence collections till the 7th of May, and a discount being allowed for prompt payment, the whole force of my office was employed up to the last of July, making out bills and receiving money at the counter, which was absolutely necessary on account of the numbers calling for that purpose; the clerks employing, however, all their spare time in making out bills for delivery, the entire accomplishment of which was not effected until early in November; and while each clerk is willing to testify as to the delivery of all bills which could be located, still the noting of day and date was not carried out. I have had far more complaint from the public in not having force sufficient in the office to wait upon them when half of it was withdrawn to serve bills, than from their failure to receive them.

Second. Was written or printed notices, as required by the ordinance approved December 16th, 1859, delivered to each person who had not paid his or her taxes on or before the first day of November, 1860?

My answer to this question is, that having shown by first answer the time embraced in delivering the bills, and the fact being shown by my monthly receipts that November and December are two of the heaviest months, all my force was again employed receiving money at the counter, and that such notices, owing to the pressure of business, could not be served within that date. I have on all occasions called the attention of the City Council to the propriety of having the levy made at an early date, so that the ordinances relative to the collection of taxes might be fully carried out, and I now take the liberty of

saying (with due respect to your Honorable Body) that as long as the levy is withheld until the month of May, just so long will it be impossible for the Collector to conform to *all* ordinances relative to the collection of the taxes, unless the force of the office is increased.

Third. What amount of Bailiff's fees or costs have been collected since the 1st of February, and to whom paid?

The ordinance making provision for this feature places the books in the hands of the Bailiffs for collection on the 1st of January succeeding the year in which the tax is levied, and the laws of the State fix the rate of commissions allowed to persons so employed, and whilst I have placed these men in power for such purposes, yet have I strictly guarded the tax payer by seeing that the laws and ordinances were strictly and truly carried out, depriving them of their commissions whenever doubts existed to the contrary. The amount of commissions received is divided among them by themselves, they being the parties to whom it belongs, but I know not how much or how little it may be, as no returns of it are made to me. That I am free from anything like partiality in the transaction of this particular business, members of your Honorable Body as well as those of the preceding Councils can fully certify.

In conclusion, gentlemen, permit me to say that during the time I have filled the position of City Collector I have earnestly tried to comply with every practical ordinance relating to the collection of the taxes, and if you compare my reports with those of my predecessors from 1850 down to the present time, and give me credit for what you find I have done worthy of credit, I will try and bear your censure for what I have found it impossible to do. If consistent with your wishes, the appointment of a committee by your Honorable Body to examine the affairs of this office, prior to my retiring, would be very gratifying to

Very respectfully,

Your ob't serv't,

WM. THOS. VALIANT, *Collector.*

Mr. Bouldin moved that a message be sent to the Second Branch, proposing, with their concurrence, the appointment of a joint select committee to examine the affairs of the City Collector's office, which was determined in the affirmative.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, February 25, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your

proposition for the appointment of a joint select committee to investigate the affairs of the City Collector's office, and have appointed Messrs. Swindell, Robb, and Higgins, as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

The President appointed Messrs. Bouldin, Bandel, and Thomas, as the committee on the part of this Branch, to examine the affairs of the City Collector's office.

Mr. Staylor offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the Clerk of this Branch be, and he is hereby directed to procure from the files of the City Register, all the memorials presented heretofore by property holders in favor of and against the closing of Conway street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Myers moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Myers and Chase, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Wolf, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, February 26th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Bouldin.

Mr. Myers presented the petition of Wm. S. Lambdin, asking permission to erect a frame building in the rear of his premises on Ann street, which was referred to the joint standing committee on the Fire Department.

The President presented the petition of Margaret Kiernan, asking permission to erect a small wooden shed in the rear of her premises, No. 248 West Franklin street, which was referred to the joint standing committee on the Fire Department.

The President presented the petition of Wm. Ortwine, asking compensation for damages done to his property on Walsh street, which was referred to the joint standing committee on Claims.

Mr. Bandel presented an invitation from N. H. Thayer, to the Branch, to visit the Eastern Female High School on Friday next, at 11 o'clock A. M.

Mr. Bandel moved that the invitation be accepted, which was determined in the affirmative.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,
Baltimore, February 26, 1861.

*To the Honorable the Members
of the First Branch of the City Council:*

GENTLEMEN :

I herewith return to you the ordinance entitled "An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation," to which I do not feel justified in affixing my signature, in view of grave doubts which I entertain in relation to the validity of a provision which is contained in it, and the opinion of the City Counsellor which I enclose.

The 10th section of this ordinance authorizes the City Commissioners to employ *upon every occasion the City Surveyor, or any other competent Surveyor.*

You will perceive that the City Counsellor is of the opinion

that so long as the duties of the City Surveyor are pointed out in the ordinance, no other Surveyor can be appointed to perform them, and that as by law his compensation must be fixed by ordinance, the amount cannot be left to the Board of Commissioners.

Respectfully,
GEO. WM. BROWN, *Mayor*.

BALTIMORE, February 21, 1861.

To the Honorable GEO. WM. BROWN,
Mayor of the City of Baltimore:

SIR:—

The 10th section of article 7th of the Constitution of this State requires an election of City Surveyor every second year, and uses the following language: "whose duties and compensation shall be the same as now prescribed for the City Surveyor, or as may hereafter be prescribed by law." By act of 1852, chap. 59, the Mayor and City Council are authorized and *required* to prescribe by ordinance the duties and compensation of the City Surveyor pursuant to 10th section of article 7th of the Constitution. By Ordinance No. 16, approved 31st May, 1858, (Revised Ordinances of 1858,) the duties and compensation of the City Surveyor are prescribed, and he is required to perform the services reasonably required of him by the City Commissioners appertaining to the business of a Surveyor.

Section 865 of the Code provides "That the Mayor and City Council shall provide by ordinance the duties and compensation of the Surveyor."

From a review of the Constitution and laws, it appears that the Mayor and City Council is bound to provide for the duties and compensation of the City Surveyor. This was done by Ordinance No. 16. This ordinance may be altered, and the duties and compensation as provided by it may also be changed. Until such change has been made the duties of the Surveyor must remain as thereby fixed and also his compensation. The question then is, whether the ordinance about which my opinion is asked, does make any such change? I think it does not. It is true that under it the duties may be performed by the City Surveyor or any other competent surveyor in the discretion of the City Commissioners. If called upon by the Commissioners, these duties must be performed by the City Surveyor, and he is bound to perform them. As the City Surveyor is an officer under the Constitution, I do not believe it is competent to provide that his duties (while the duties continue attached to his office) shall be performed by any one but him.

The compensation of the City Surveyor must be fixed by or-

dinance and under the ordinance in question the City Commissioners would have to fix them. This is not authorized by the Code.

Upon the whole, I consider the ordinance to be inconsistent with the Constitution, and Act of Assembly in the particulars stated.

Yours, very respectfully,

GEO. M. GILL.

Mr. Brown moved that the vote by which the ordinance was passed be reconsidered, which was determined in the affirmative.

Mr. Brown moved that the ordinance be laid on the table, which was determined in the affirmative.

Mr. Bolgiano moved that the rules be suspended to allow him to introduce an ordinance entitled "An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation," which was determined in the affirmative.

Mr. Bolgiano introduced the following ordinance, which was read:

An Ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation.

Sec. 1. Be it enacted and ordained by the Mayor and City Council of Baltimore, That three persons shall be appointed annually, as other city officers are now appointed, in lieu of a City Commissioner and an assistant City Commissioner, and who shall be styled a Board of City Commissioners and Port Wardens, and who shall attend daily at their office and their entire time shall be devoted personally to the duties of their trust and the interest of the Corporation, and should it be ascertained that either of the aforesaid officers gives personal attention to any business or pursuit other than that appertaining to his official duties, he shall be forthwith removed by the Mayor.

Sec. 2. And be it enacted and ordained, That the City Commissioners shall perform all the duties now by law imposed on the City Commissioner and assistant City Commissioner, except as hereinafter provided, including the levelling, grading, making, mending or repairing the streets, lanes and alleys, bridges and sewers, and contracting with any person or persons for materials for the purposes aforesaid (said contracts to be approved by the Mayor and Comptroller of the City,) and with as many workmen as they may judge necessary to be employed, from time to time, in and about the same.

Sec. 3. And be it enacted and ordained, That the City Commissioners shall have exclusive control over all the affairs of their department, and monies appropriated for the same shall be expended under their direction, and paid by the Register to their order, when approved by the Mayor, on the certificate of the Comptroller.

Sec. 4. And be it enacted and ordained, That said Commissioners before entering upon their official duties shall severally give bond with security, to be approved by the Mayor, for the faithful performance of their duties, in the penal sum of five thousand dollars, and there shall be appropriated annually, the sum of twelve hundred dollars, for the salary of each of said Commissioners.

Sec. 5. And be it enacted and ordained, That it shall be the duty of the City Commissioners, annually, to lay before the City Council in the first week of the annual session a report of their proceedings, with an abstract of the expenditures of their office signed by them.

Sec. 6. And be it enacted and ordained, That it shall be the duty of the City Commissioners, in making their annual report to the Mayor and City Council, to furnish a statement of the several streets, lanes and alleys, or parts thereof, that have been paved or repaved during the year, together with the names of the contractors, the sum per square foot paid for paving or repaving, as the case may be, and to state explicitly whether and how all the provisions of the ordinances relating to paving and repaving, and the duties required of the City Commissioners have been complied with.

Sec. 7. And be it enacted and ordained, That all warrants and other documents issued by the City Commissioners, or connected with their department, shall be headed "*City Commissioners' Office.*"

Sec. 8. And be it enacted and ordained, That the City Commissioners shall appoint a Clerk, whose compensation shall be nine hundred dollars annually, and who shall keep a fair journal of all their proceedings, and as far as "they may relate to the condemnation, grading, or levelling of the streets, lanes and alleys, and the establishment of boundaries, or the making of sewers, shall return them under the hands and seals of the Commissioners at least once in every three months, to the Register of the City, to be by him recorded and filed in his office.

Sec. 9. And be it enacted and ordained, That the City Commissioners are hereby authorized and required, upon application in writing by any person requiring the same, to ascertain and fix the lines of the streets, lanes and alleys, or any boundaries of any of the Lots within said City, and having so fixed and established the same, to put up stones or land marks to be

provided for that purpose by the person or persons requiring the same to be done, at any place or spot so established by them, and to make return in writing of such establishment, with the proper description thereof under their hands and seals, to the Register, who shall immediately record the same in a Book to be provided for that purpose, and shall file and keep the original record or paper so returned as aforesaid in his office.

Sec. 10. And be it enacted and ordained, That no owner or owners, lessee or lessees of any Lot in the City shall dig or lay the foundation of any house in front of any street, lane or alley, or erect any wall or fence fronting thereon, before he, she or they shall have applied to the City Commissioners to make out the true line of such street, lane or alley, unless the corners of the square, upon which such improvement is to be made have been duly established, and said Commissioners so applied to are hereby authorized and required to see that such foundation, building, house or wall does and shall not encroach upon the highway; and said Commissioners shall have a right to employ if they deem it necessary, on every occasion, the City Surveyor, at the cost of such owner or owners, lessee or lessees, and to allow said surveyor such compensation as may be fixed by ordinance; every person neglecting to apply as aforesaid, shall forfeit and pay five dollars, and a like sum for each and every day if such directions are not complied with.

Sec. 11. And be it enacted and ordained, That the City Commissioners are hereby authorized and directed, when called on by any person requiring their attendance to regulate all party walls and partition fences within the City, in such a manner as may, in their judgment, be most likely to promote equal justice between the parties concerned, and shall immediately thereafter make return of every such proceedings under their hands and seals to the Register, to be recorded and kept with every paper and voucher relative thereto, in manner, as before directed, "and when and as often as the said City Commissioners shall hold a meeting to fix and establish any street, lane or alley, or to fix and establish any boundary of any Lot within said City, or to regulate any party wall or partition fence within the same, they shall give at least four day's notice, in at least two of the newspapers of the said City, having the largest circulation, of such intention, specifying the time, place and object of such meeting, and shall before they fix and establish any such street, lane or alley, or any boundary of any of the Lots within the said City, or regulate any party wall or partition fence as aforesaid, obtain the best information on oath or affirmation, the case will admit of, which evidence with every voucher and paper relating thereto, shall be returned with their certificate aforesaid to be recorded as aforesaid, and each

of the said Commissioners shall receive for the use of the City from the person or persons requiring their services the sum of one dollar for each and every day they shall attend, the same to be paid over to the Register of the City.

Sec. 12. And be it enacted and ordained, That if any person or persons shall think him, her, or themselves aggrieved by the determination of the said Commissioners, in fixing the lines of any street, lane, or alley, or the boundary of any lot, or in fixing the grade of streets, lanes, and alleys; in such case every such person or persons may, within five days next after such determination, appeal from the same to the Mayor, who shall thereupon issue a warrant, summoning five disinterested persons, of known ability and discretion (the determination of whom or a majority of whom shall be final), to settle all matters in dispute within ten days thereafter, and return their award, in writing, to the Register, to be by him recorded; and before the persons appointed under such warrant shall proceed to the execution of their duties, they shall make oath or affirmation that they will impartially examine the proceedings of the said Commissioners from which an appeal is prayed, and confirm or alter the same, as in their opinion is just without favor or partiality; and the said persons shall receive from the said Commissioners all documents and information and the source of the information which influenced and directed them in said determination from which the appeal is made.

Sec. 13. And be it enacted and ordained, That when any person or persons shall appeal from the determination of the City Commissioners, it shall not be lawful for the Mayor to grant the said appeal, and issue the warrant herein mentioned, unless the person or persons so appealing shall enter into an obligation to the Mayor and City Council of Baltimore, and file the same with the Register, binding him, her, or themselves, to pay to the Mayor and City Council of Baltimore all the expenses which may be incurred in the said appeal, should the same not be sustained.

Sec. 14. And be it enacted and ordained, That the City Commissioners, with the approbation of the Mayor, shall fix and ascertain the said expenses, which shall be paid to the Register, and by him to the person or persons employed to decide the appeal.

Sec. 15. And be it enacted and ordained, That the City Commissioners shall have full power and authority to enter upon the lots of ground, or possessions of any person or persons, or bodies corporate, through which the common sewers now or may hereafter run, to regulate or repair the same.

Sec. 16. And be it enacted and ordained, That the City Commissioners be, and they are hereby directed, whenever any of

the bridges within the City stand in need of repairs, to mend and repair the same as they, with the approbation of the Mayor, may think fit.

Sec. 17. And be it enacted and ordained, That if any person or persons shall cut, break, dig down, injure, or destroy any abutment, bank, mound, or other public work, erected or constructed by or under the orders of the City Commissioners, every person so offending shall forfeit and pay a sum not exceeding two hundred dollars, and, moreover, shall be liable to pay the expenses of repairing the injury.

Sec. 18. And be it enacted and ordained, That if any wall or building shall, from any cause whatever, be in a situation to be dangerous to persons or property, the City Commissioners shall immediately give notice, in writing, to the owner or owners of such wall or building, or to his, her, or their agent, if said owner or agent can be found, to cause the same to be taken down; and if the same shall not be taken down in twelve hours after such notice given, the City Commissioners shall, with the approbation of the Mayor, cause the same to be promptly taken down at the expense of the owner or owners, and shall report the amount and items of the expense of said pulling down to the Mayor, which shall be paid by the Register out of any unappropriated money in the Treasury; and it shall be the duty of the Mayor to recover the same by all lawful ways and means.

Sec. 19. And be it enacted and ordained, That the City Commissioners shall be authorized to erect or remove lamps upon the requisition of the Mayor, and to place flag and stepping stones whenever and wherever the convenience and necessity of the public may require the same, upon proper application being made to them.

Sec. 20. And be it enacted and ordained, That whenever there is a prospect of an extraordinary rise in the waters of Jones' Falls, so as to threaten an overflow upon the adjacent property, it shall be the duty of the City Commissioners, upon receiving information to that effect from any of the residents or property holders in that vicinity or otherwise, to take prompt and active measures, and employ a sufficient force to prevent the obstruction or damming up of the said waters, and to draw on the Register, with the approbation of the Mayor, for the amount of any expenses that may be incurred in any such services.

Sec. 21. And be it enacted and ordained, That the City Commissioners be, and are hereby authorized and directed to perform all and singular, the duties of Port Wardens of the City of Baltimore as now prescribed, or which may be prescribed, by Acts of Assembly, or Ordinances of the City, and it shall be their duty to keep separate accounts of said offices of Commissioners and Port Wardens, and on issuing any warrant or any

documents, to head the same respectively with "City Commissioners' Office," or "Warden's Office," as the case may be; and that all the duties be performed by them that are required to be performed specially, under Ordinances Nos. 12, 13, 14, and 22 of the Revised Ordinances of 1858.

Sec. 22. And be it enacted and ordained, That all Ordinances requiring the duties to be performed by the City Commissioner and Assistant Commissioner be transferred to and performed by the City Commissioners, and that Ordinance No. 12 and 22 of revised Ordinances, approved 31st day of May, 1858, Relating to the appointing of City Commissioner, and an Assistant City Commissioner and Port Wardens for the City of Baltimore, be and the same are hereby repealed.

On motion of Mr. Bolgiano, the ordinance was read a second time, by special order.

Mr. Nicholas moved to amend the ordinance by striking out all after the word "that," in the second line of the twenty-second section, and inserting in lieu thereof the following: "the duties now required to be performed by the City Commissioner and Assistant City Commissioner shall hereafter be performed by the City Commissioners, and that all ordinances and parts of ordinances inconsistent with this ordinance be and the same are hereby repealed," which was determined in the affirmative.

The question recurring on the passage of the ordinance, the same as amended, was passed.

The Second Branch returned the resolution authorizing the City Commissioner to have the pump in Preston street, near Ross street, repaired, endorsed "concurred in."

A resolution authorizing the City Commissioner to have a gas lamp placed in front of Grace Chapel, on Plover alley was received from the Second Branch, read and laid on the table.

An Ordinance, entitled "An Ordinance to abolish the office of the Commissioners for Opening Streets in the City of Baltimore, and to confer their powers on the Appeal Tax Court," was received from the Second Branch, and read.

On motion of Mr. Nicholas, the Ordinance was read a second time, by special order, and passed.

The Second Branch returned the Ordinance, entitled "An Ordinance to appoint City Commissioners and Port Wardens, and

to prescribe their duties and fix their compensation," endorsed "passed."

The Second Branch returned the Ordinance, entitled "A supplement to an Ordinance, entitled "An Ordinance to Preserve the Health of the City of Baltimore," approved July 27, 1858," endorsed "will pass with proposed amendments."

Amendments proposed :

1. Strike out the words "section 9, of this ordinance, shall be hereafter," in the third and fourth lines of the third section, and insert the words "the provisions of the ordinance to which this is a supplement, shall hereafter consist of one person from each two contiguous wards, and shall be."

2. Strike out the word "ward," in the ninth line of the fourth section, and insert the word "wards."

3. Insert the following as the fifth section :

"Section 5. And be it further enacted and ordained, That there shall be annually appropriated as a compensation for the Commissioner of Health and City Physician, the sum of one thousand dollars ; and as a compensation for the Assistant Commissioner of Health the sum of eight hundred dollars. And there shall be annually appropriated as a compensation for each of the Vaccine Physicians the sum of one hundred and fifty dollars."

Mr. Myers moved that the Branch concur in the amendments, which was determined in the negative.

Mr. Thomas moved that a message be sent to the Second Branch, proposing, with their concurrence, the appointment of a joint committee of Conference on the ordinance, which was determined in the affirmative.

The President appointed Messrs. Thomas, Blanchard, and Bolgiano, as the committee on the part of this Branch.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, February 26, 1861.

Gentlemen of the First Branch :

We respectfully inform you that we have concurred in your request for the appointment of a joint committee of conference on the ordinance supplementary to the ordinance to preserve the health of the City of Baltimore, and have appointed Messrs. Robb, George, and Dean, as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read:

The Joint Standing Committee on Water to whom was referred the petition of George Hilge, asking for permission to sink an artesian well and erect a pump at the N. W. Corner of Conway and Sharp streets, having had the same under consideration, find that all the property in the neighborhood is supplied with water from the city water works, and that there is more than a sufficiency of pumps in that neighborhood; they beg leave, therefore, to offer the following resolution:

THOS. J. BROWN,
SOLOMON ALLEN,
J. H. TEGMEYER,
First Branch.

DECATUR H. MILLER,
Second Branch.

Resolved, by both Branches of the City Council, That the petitioner have leave to withdraw his petition, and that the committee be discharged from the further consideration of the subject.

The President announced a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Bandel moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Bandel and Staylor, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Myers, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, February 27th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Bouldin and Blanchard.

Mr. Drakeley presented the petition of Henry Rieman and others, asking the erection of a market house on the space between Green street and the Fish market, at the Lexington market, which was referred to the joint standing committee on Markets.

Mr. Chase presented the petition of George Duke and others, asking to have gas lamps placed on Lee street, between Warner and Fremont streets, which was referred to the joint standing committee on Police and Jail.

Mr. Hay presented the petition of James McCoy and others, asking to have gas lamps placed on West Baltimore street, from Gilmor to Fulton street, which was referred to the joint standing committee on Police and Jail.

Mr. Tegmeyer presented the petition of George Page & Co., asking to have a gas lamp placed at the corner of Schroeder and Raborg streets, which was referred to the joint standing committee on Police and Jail.

Mr. Nicholas moved that the rules be suspended to allow him to introduce an ordinance entitled "An ordinance to continue for a definite time the office of City Auditor," which was determined in the affirmative.

Mr. Nicholas introduced the following ordinance, which was read:

An ordinance to continue for a definite time the office of the City Auditor.

Sec. 1. Be it enacted and ordained by the Mayor and City Council of Baltimore, That John J. Graves, Collector of the City, be, and he is hereby appointed Auditor of the City, whose duty it shall be to collect taxes in arrear on the books of the Auditor; to execute deeds of the property sold, by order of the Auditor, for taxes in arrear, and also to receive moneys in redemption of property which may have heretofore been sold.

Sec. 2. And be it enacted and ordained, That the office of

Auditor, mentioned in the first section of this ordinance, shall commence from the first day of March, 1861, and continue in force until the first day of March, 1862, when it shall cease to exist.

Sec. 3. And be it enacted and ordained, That all ordinances and parts of ordinances, so far as inconsistent with the provisions of this ordinance, be, and the same are hereby repealed.

On motion of Mr. Nicholas, the ordinance was read a second time, by special order, and passed.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read:

The joint standing committee on the Harbor, to whom was referred the petition of M. C. Smith, for permission to erect a frame shed and office on his pier at Light street Wharf, between Barre and Lee streets, have duly examined the same, and think that the petitioner's prayer should be granted. They therefore recommend the following resolution.

JACOB MYERS,
JOHN A. J. DIXON,
D. E. THOMAS,

First Branch.

WM. SWINDELL,
WM. DEAN,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That M. C. Smith be, and he is hereby authorised and empowered to erect a frame shed and office on the east pier of Light street Wharf, said shed to be about forty feet in length, office to be four by eight; provided, however, that the same shall be done under the supervision of the City Commissioners, and provided further that the same shall be removed at the petitioner's expense within six months after notice to that effect shall be given by the Mayor.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

Mr. Bandel asked and obtained leave to introduce an ordinance entitled "An ordinance to provide for the inspection and sealing of gas metres in the city of Baltimore," which was read.

On motion of Mr. Bandel, the ordinance was read a second

time, by special order, and referred to the joint standing committee on Police and Jail.

On motion of Mr. Bandel, the rules were suspended to allow him to introduce an ordinance entitled "An ordinance to provide for the inspection of carburetted hydrogen or illuminating gas in the city of Baltimore," which was read.

On motion of Mr. Bandel, the ordinance was read a second time, by special order, and referred to the joint standing committee on Police and Jail.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read:

The joint standing committee on the Harbor, to whom was referred the petition of Henry Travers for permission to enlarge his pier at the foot of Camden street fifteen feet at the base, to be diminished to nothing at its terminus, have had the same under consideration, and recommend the following resolution.

JACOB MYERS,
JOHN A. J. DIXON,
D. E. THOMAS,

First Branch.

WM. SWINDELL,
WM. DEAN,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That Henry Travers be, and he is hereby authorised and empowered to extend his platform or pier at the foot of Camden street fifteen feet at the base, and to diminish to nothing at its terminus; providing, however, that the same shall be done under the supervision of the City Commissioners or Port Warden, and provided further that the same shall be removed at the petitioner's expense within six months after notice to that effect shall be given by the Mayor.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

Mr. Crout called up the resolution in relation to "officers receiving any perquisite or fee," which was read.

Mr. Nicholas moved to amend the resolution by inserting after the word "office," in the ninth line, the words "by the Mayor," which was determined in the affirmative.

The question recurring on concurring in the resolution, as amended, it was determined in the affirmative.

Mr. Brown called up the resolution discharging the joint standing committee on City Property from the further consideration of the petition of Catherine Hooek, which was read and adopted.

Mr. Bolgiano, from the joint committee of conference on the disagreement between the two Branches of the Council in reference to the ordinance supplementary to the ordinance to preserve the health of the city, submitted the following report and ordinance, which were read:

The joint committee of Conference on the disagreement between the two Branches of the Council in reference to the amendments proposed to the ordinance supplementary to the ordinance to preserve the health of the city of Baltimore, have duly considered the subject referred to them, and herewith present for the consideration of Council an ordinance which they believe will harmonize the conflicting views of the members, and carry out the objects which are desired to be accomplished, by the remodeling of the health department of the city. They trust that the modifications may meet with the concurrence of the two Branches, and respectfully recommend the passage of the ordinance.

D. E. THOMAS,
JOHN BOLGIANO,
First Branch.

JOSEPH ROBB,
JAMES B. GEORGE, Sr.,
WM. DEAN,
Second Branch.

A supplement to an Ordinance, entitled "An ordinance to preserve the health of the City of Baltimore," approved July 27, 1858.

Sec. 1. Be it enacted and ordained by the Mayor and City Council of Baltimore, That so much of the ordinance to which this is a supplement as provides for the appointment of a City Physician be, and the same is hereby repealed.

Sec. 2. And be it further enacted and ordained, That the Commissioner of Health provided for in the said ordinance, to which this is a supplement, shall be a Physician, and shall be styled Commissioner of Health and City Physician, and in addition to the duties prescribed in the said ordinance, shall perform the duties and exercise the powers of City Physician, as prescribed in the said ordinance.

Sec. 3. And be it further enacted and ordained, That the Vaccine Physicians appointed under the provisions of the ordinance to which this is a supplement shall hereafter consist of one person from each two contiguous wards, and shall be an auxiliary Board to the present Board of Health, and shall meet twice a month, or oftener, if necessary, at such place as the Commissioner of Health and City Physician may determine upon, to confer and advise with said Board in reference to such wholesome measures in accordance with existing ordinances, for the better preservation of the health of the City, as may be brought before them by said Board of Health.

Sec. 4. And be it further enacted and ordained, That the Commissioner of Health and City Physician shall be Chairman of the Board, and the Assistant Commissioner of Health Secretary of the same, a majority of whom shall constitute a quorum for the transaction of business, when the several Vaccine Physicians shall present their reports giving the sanitary condition of the wards to which they have been respectively appointed.

Sec. 5. And be it further enacted and ordained, That there shall be annually appropriated, as a salary for the Commissioner of Health and City Physician, the sum of twelve hundred dollars; as a salary for the Assistant Commissioner of Health, the sum of eight hundred dollars; and as a salary for each of the Vaccine Physicians, the sum of one hundred and fifty dollars.

Sec. 6. And be it further enacted and ordained, That any ordinance, or part of ordinance, in conflict with this supplement, be, and the same is hereby repealed.

On motion of Mr. Bolgiano, the ordinance was read a second time, by special order, and passed.

Mr. Phelps offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council, That the City Commissioners be, and they are hereby directed to renew the trees and improve the sod within that part of Eutaw Square which has been fenced in; provided the expense of the same shall not exceed the sum of two hundred and fifty dollars; the cost of said improvement to be taken out of any moneys in the treasury not otherwise appropriated.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department to whom was referred the petition of Thos. W. Morse, stating that

by the requirements of section 8 of Revised Ordinance No. 33, he is prohibited from raising a story on his house, and asking permission to be relieved from the requirements of said section. Having visited the premises are of opinion that said relief from its effect would in no wise be injurious to the property in the neighborhood, they therefore beg leave to offer the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,
First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,
ASA HIGGINS,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and is hereby given to Thos. W. Morse, to raise a story of brick on his house, No. 127 North Eden street, notwithstanding the prohibition of Ordinance No. 35.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the ordinance entitled "An ordinance to continue for a definite time the office of City Auditor," and the ordinance entitled "A supplement to an ordinance entitled 'An ordinance to preserve the health of the city of Baltimore,' approved July 27, 1858," severally endorsed "passed."

On motion of Mr. Bolgiano, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance was this day presented to the Mayor:
An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation.

Thursday, February 28th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Staylôr presented the petition of E. A. Abbott, for permission to erect a small frame tenement on his premises No. 113 South High street, which was referred to the joint standing committee on the Fire Department.

Mr. Blanchard presented the petition of Joseph Reynolds, asking to be allowed to erect a small steam engine on the rear of his premises, No. 12 South Balderston street, which was referred to the joint standing committee on the Fire Department.

Mr. Blanchard presented the petition of R. J. Gittings and others, asking compensation for legal services in the case of John S. McKim *vs.* The Mayor and City Council of Baltimore, in the Circuit Court for Baltimore county, which was referred to the joint standing committee on Claims.

Mr. Bouldin presented the petition of Cockey & Co. and others, for a reduction for charges against them for wharfage on lumber, which was referred to the joint standing committee on Ways and Means.

Mr. Bouldin asked and obtained leave to introduce an ordinance entitled "An ordinance appointing a messenger to the Mayor and a janitor of the City Hall, fixing their compensation and prescribing their duties," which was read.

On motion of Mr. Bouldin, the ordinance was read a second time, by special order.

Mr. Bouldin moved to fill the first blank in the third section by inserting the words "four hundred and eighty dollars."

Mr. Myers moved to insert the words "three hundred and sixty dollars."

Mr. Bandel moved to insert the words "four hundred and twenty dollars."

The question recurring on the adoption of the motion to fill

the first blank in the third section by inserting the words "four hundred and eighty dollars," it was determined in the negative.

The question recurring on the adoption of the motion to fill the first blank in the third section by inserting the words "four hundred and twenty dollars," it was determined in the affirmative.

Mr. Bandel moved to fill the second blank in the third section by inserting the words "four hundred and twenty dollars."

On motion of Mr. Staylor, the ordinance was laid on the table.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Claims, to whom was referred the petition of Elnathan Lincoln, asking compensation for damage done to his property by defective drainage, submit the following report. The committee consider the question of the responsibility of the city, under the circumstances, one proper for judicial decision; and as they are informed that cases are now pending in our Courts, in the determination of which this question is involved, they deem it inexpedient for the Council to take any action in the premises. They recommend the adoption of the following resolution.

E. WYATT BLANCHARD,
JOHN J. STAYLOR,
JOHN BOLGIANO,

First Branch.

DECATUR H. MILLER,
JAS. B. GEORGE, Sr.,
JOSEPH ROBB,

Second Branch.

Resolved by both Branches of the City Council, That the joint standing committee on Claims be discharged from the further consideration of the petition of Elnathan Lincoln.

Mr. Blanchard offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the Clerk be directed to obtain from the files in the City Register's

office, the petition of D. C. H. Emory and the accompanying affidavits, relative to a claim for damage on account of the condition of a wharf on Barre street, and which were referred to the joint standing committee on Claims of the last session of the City Council.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

The President announced the reception of a sealed communication from the Mayor addressed to the President and members of both Branches of the City Council.

Mr. Crout moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Crout and Drakeley who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Wolf, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinances and resolutions were this day presented to the Mayor:

An ordinance entitled "An ordinance to continue for a definite time the office of City Auditor."

An ordinance entitled "A supplement to the ordinance to preserve the health of the city of Baltimore, approved July 27, 1858."

Resolution directing the City Commissioners to erect a gas lamp on the southeast corner of Eager street and Morton alley.

Resolution directing the City Commissioners to have stepping stones placed across Read street, at its intersection with the west side of Charles street.

Friday, March 1st, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Crout presented the petition of James T. Hudson, asking permission to sell wrapping paper during market hours in the several market houses of the city, which was referred to the joint standing committee on Markets.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the Commissioners for Opening Streets furnish the joint standing committee on Highways, the estimate of the damages and expenses already incurred for the opening of Arch street, from Park to Baltimore street, and also the plats relating thereto.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Phelps called up the resolution referring the contract of J. W. Maxwell & Co., for the completion of the Jail and appurtenances, dated the 19th July, 1858, to the City Counsellor for his legal opinion, as to whether, upon a true construction

of said instrument, the old city jail then standing in the neighborhood of the site upon which the new Jail was being erected, and which remained there until the new Jail was completed and occupied became the property of the said contractors, and authorizing the said officer, should he be of the opinion that said old Jail did not become the property of said contractors, to take the proper legal steps to protect the interests of the city in the premises, which was read and adopted.

Mr. Brown, from the joint standing committee on Water, submitted the following report and an ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance relating to the Baltimore Water Board and the works under their care,'" which were read and laid on the table:

The joint standing committee on Water to whom was referred the ordinance prepared and presented by a committee of the Baltimore City Water Board, to prevent frauds in the use of water in the city of Baltimore, beg leave to report the accompanying ordinance as so prepared:

THOS. J. BROWN,
SOLOMON ALLEN,
J. H. TEGMEYER,
First Branch.

JOSEPH ROBB,
ASA HIGGINS,
Second Branch.

The Second Branch returned the resolution discharging the joint standing committee on Water from the further consideration of the petition of George Hilge, and granting leave to the petitioner to withdraw his petition; the resolution granting permission to Henry Travers, to extend his platform or pier at the foot of Camden street; the resolution granting permission to M. C. Smith, to erect a frame shed and office on the east pier of Light street wharf, and the resolution granting permission to Thomas W. Morse, to raise his house, No. 127 North Eden street, a story of brick, severally endorsed "concurred in."

A resolution authorizing the City Commissioners to replace the dead trees in Franklin Square, and plant such additional trees in said square as may be necessary to better shade the grounds within the enclosure, and appropriating one hundred dollars, or so much thereof as may be necessary, to pay for the same, was received from the Second Branch, read and laid on the table.

Mr. Phelps called up the resolution directing the City Commissioners to renew the trees and improve the sod within that part of Eutaw Square which has been fenced in, and appropriating two hundred and fifty dollars for that purpose, which was read.

Mr. Myers moved to amend the resolution by inserting after the words "fenced in," in the fourth line, the words "provided that the trees and sodding be guaranteed and further," which was determined in the affirmative.

Mr. Nicholas moved to further amend the resolution by striking out the words "and fifty," in the fifth line, which was determined in the affirmative.

The question recurring on the adoption of the resolution, as amended, the same was adopted.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, March 1, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Myers, the proposition contained in the message was concurred in.

Mr. Bolgiano offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the Board of City Commissioners and Port Wardens be respectfully requested, at as early a day as possible, to report to this Branch at what expense the room west of that now occupied by the Appeal Tax Court can be so arranged and made convenient and safe for the future occupation of the Appeal Tax Court, and the room now occupied by the Appeal Tax Court suitable for the Collector's department, and the one above for the Auditor's department.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of William H. King, asking permission to erect a frame summer kitchen on his premises, No. 345 East Monument street, having examined the premises are of the opinion that the prayer of the petitioner should be granted, and they therefore beg leave to offer the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,
First Branch.

JAS. B. GEORGE, SR.,
ASA HIGGINS,
JOSEPH ROBB,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to William H. King to erect a frame summer kitchen on his premises, No. 345 East Monument street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of William S. Lambdin, asking permission to erect a small frame building on his premises, No. 49 South Ann street, having examined the premises, are of opinion that the said building would in no wise endanger the adjoining property. They, therefore, beg leave to offer the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,
First Branch.

JAS. B. GEORGE, SR.,
JOSEPH ROBB,
ASA HIGGINS,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to William S. Lambdin to erect a small frame building on his premises, No. 49 South Ann street, the same to be removed at any time by order of the Mayor.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted:

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Police and Jail, to whom was referred the petition of Barrack & Phillips, asking permission to use a building on the corner of Fremont and Ramsey streets, for a sale and livery stable, have had the same under consideration, and respectfully submit the following resolution:

CHAS. E. PHELPS,
H. H. CHASE,
THOS. J. BROWN,

First Branch.

WM. DEAN,
F. W. ALRICKS,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to Barrack & Phillips to use the building on the corner of Fremont and Ramsey streets, for a sale and livery stable.

Mr. Yeisley, from the joint select committee on the Register's Office and Accounts, submitted the following report and resolution, which were read.

The joint select committee on the Register's office and accounts would respectfully report, that they have thoroughly examined and carefully compared all the certificates, vouchers, checks, bank, and account books for the year ending December 31, 1860, and find them correct; balances, &c., agreeing with

the Register's Annual Report for the year 1860, your committee would therefore offer the following resolution:

JACOB YEISLEY,
JACOB MYERS,
JOHN A. J. DIXON,

First Branch.

F. W. ALRICKS,
JOSEPH ROBB,
ASA HIGGINS,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the committee be and they are hereby discharged from the further consideration of the subject.

On motion of Mr. Yeisley, the resolution was read a second time, by special order, and adopted.

Mr. Phelps moved that the vote by which the resolution referring the contract of J. W. Maxwell & Co., for the completion of the Jail and appurtenances, dated the 19th July, 1858, to the City Counsellor for his legal opinion, as to whether, upon a true construction of said instrument, the old City Jail then standing in the neighborhood of the site upon which the new Jail was being erected, and which remained there until the new Jail was completed and occupied, became the property of the said contractors, and authorizing the said officer, should he be of the opinion that said old Jail did not become the property of said contractors, to take the proper legal steps to protect the interests of the city in the premises, was adopted, be reconsidered, which was determined in the affirmative.

Mr. Phelps moved to amend the resolution by adding thereto the following:

"And be it further resolved, That the City Counsellor be further requested to examine and report whether the facts set forth in the two reports of the committee on Police and Jail, on the subject of the new Jail, together with such other facts as may come to his knowledge, would in his opinion, justify legal proceedings against the contractors of said building or any other parties concerned, and in case his opinion should be in the affirmative, then the said Counsellor is hereby authorised and directed to institute such proceedings as may be proper," which was determined in the affirmative.

The question recurring upon the adoption of the resolution, as amended, the same was adopted.

On motion of Mr. Crout, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, March 4th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Yeisley presented the memorial of Peter Mowell and others, suggesting the propriety of employing persons now out of work, in grading certain streets surrounding Patterson's Park, and in making the needful improvement of said Park, which was referred to the joint standing committee on City Property.

Mr. Thomas presented the remonstrance of Job Smith and others, against the passage of an ordinance, to authorize the running of the cars of the City Passenger Railway Association on Sunday, which was referred to the joint select committee on the City Passenger Railway Association.

Mr. Phelps presented the memorial of the Mechanics and Workingmen's Association, asking aid from the city for persons now out of employment, which was read, laid on the table, and ordered to be printed.

The President presented the petition of Randall H. Moale and another, asking that permission be granted to sink an Artesian well on Conway street, which was referred to the joint standing committee on Water.

The Second Branch returned the resolution discharging the joint standing committee on City Property from the further consideration of the petition of Catharine Hooch, endorsed "concurrent in."

The following message was received from the Second Branch, and laid on the table:

IN SECOND BRANCH,
Baltimore, March 4th, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns on Friday next, the 8th instant, it stand adjourned until Wednesday afternoon, March 20th, and that the several committees be requested to meet in the interval, at five o'clock each afternoon, and agree upon the matters referred to them, so that they may report on the 20th of March, or as early thereafter as possible, so that the Council may adjourn *sine die* early in April.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Phelps called up the resolution authorizing the City Commissioner to have a gas lamp placed in front of Grace Chapel, on Plover alley, which was read.

Mr. Phelps moved to amend the resolution by striking out the words "Commissioner be and he is," and inserting in lieu thereof the words "Commissioners be and they are," which was determined in the affirmative.

Mr. Myers moved to further amend the resolution by adding at the end of the same, the words "provided the cost thereof shall not exceed that of the ordinary street lamps," which was determined in the affirmative.

The question recurring upon concurring in the resolution, as amended, the same was concurred in.

Mr. Myers offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the Board of City Commissioners and Port Wardens inform this Branch as to the probable cost of cleaning the back basin and placing it in a proper condition; and also, as to the condition of Jones Falls, from the Drawbridge up to Center street, particularly as to the quantity of deposit proper to be

removed, and furnish an estimate of the cost of removing the same; and also, inform this Branch as to the condition of the wharves and stone walls binding on the same, and the cost of repairing said wharves and stone walls.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read:

The joint standing committee on Health, to whom was referred the petition of Louis Lohrfink, for permission to build a morocco factory on a lot of ground near the corner of Monument and Spring streets, occupying in part the bed of Hartford Run, having examined the premises, beg leave to report that by granting said petition they would be doing injustice to the surrounding neighbors, and the following resolution is therefore respectfully submitted:

D. E. THOMAS,
JOHN BOLGIANO,
H. H. CHASE,

First Branch.

JOHN W. WILLSON,
WM. DEAN,
ASA HIGGINS,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Thomas, the resolution was read a second time, by special order, and adopted.

Mr. Chase called up the resolution granting permission to Barrack & Phillips, to use the building on the corner of Fremont and Ramsey streets, for a sale and livery stable, which was read and adopted.

Mr. Myers offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Board of City Commissioners and Port Wardens be, and they are hereby directed to employ none but practical machinists, as engineers, on the steam dredges, discharges, and steam tow boats now used by the city.

On motion of Mr. Myers, the resolution was read a second time, by special order, and rejected.

On motion of Mr. Bandel, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*.

Tuesday, March 5th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Crout presented the remonstrance of W. J. Kirk and others, against building an additional market house on the space, between Green street and the Fish market, at the Lexington market, which was referred to the joint standing committee on Markets.

Mr. Bolgiano presented the memorial of John W. Disney and Edward T. Sweeting, asking to be indemnified for a loss sustained by them, which was referred to the joint standing committee on Claims.

The following communication was received from the Commissioners for Opening Streets, and referred to the joint standing committee on Highways:

OFFICE OF THE COMMISSIONERS FOR OPENING STREETS,
Baltimore, March 5, 1861.

*To the Honorable the Members
of the First Branch of the City Council :*

GENTLEMEN :

In obedience to a resolution of your honorable body, dated March 2d, asking the amount of expense incurred for and on

account of the opening of Warner street, the Commissioners beg to report, the expense incurred to the date of your resolution to be six hundred and seventy-six dollars and seventeen cents.

By order of the Board of Commissioners,

PHILIP T. DAWSON, *Clerk.*

Mr. Phelps called up the Memorial of the Mechanics and Workingmen's Association, and moved that the same be referred to the joint standing committee on City Property, which was determined in the affirmative.

Mr. Hay offered the following resolution, which was read and laid on the table:

Whereas, it is deemed expedient to abandon the buildings intended for Alms House purposes, commenced on the farm or place purchased from A. W. Goldsborough, and to erect Alms House buildings on the property belonging to the City of Baltimore, and near to the present Alms House; and, whereas, it is deemed best before making such change to make an equitable arrangement with the parties who have contracted to do work on, and furnish materials for the buildings commenced and now proposed to be abandoned, therefore be it

Resolved, by the Mayor and City Council of Baltimore, That the joint standing committee on the Alms House be authorized and empowered to alter and modify the contracts heretofore made with the contractors for work and materials on the said buildings commenced as aforesaid, and to substitute the same so as to apply to the buildings to be erected for Alms House purposes on the said property belonging to the City of Baltimore, and near to the present Alms House, and to obtain the consent of the said contractors, in writing, in relation to the said changes and modifications.

The Second Branch returned the resolution discharging the joint select committee on the Register's office and accounts from the further consideration of the same; the resolution directing the City Commissioners to renew the trees and improve the sod within that part of Eutaw Square which has been fenced in, and appropriating two hundred dollars for that purpose; the resolution granting permission to Wm. H. King, to erect a frame summer kitchen on his premises, No. 345 East Monument street; the resolution granting permission to Wm. S. Lambdin, to erect a small frame building on his premises, No. 49 South Ann street, and the resolution referring the contract of J. W. Maxwell & Co., for the completion of the Jail and appurtenances dated the 19th July, 1858, to the City Counsellor for his legal opinion, as

to whether, upon a true construction of said instrument, the old City Jail then standing in the neighborhood of the site upon which the new Jail was being erected, and which remained there until the new Jail was completed and occupied, became the property of the said contractors, and authorizing the said officer, should he be of the opinion that said old Jail did not become the property of said contractors, to take the proper legal steps to protect the interests of the city in the premises, and further requesting the said officer to inquire and report whether the facts set forth in the two reports of the committee on Police and Jail, together with such other facts as should come to his knowledge, would in his opinion justify legal proceedings against the contractors of said building or any other parties concerned, and authorizing the said Counsellor, should his opinion be in the affirmative, to institute such proceedings as would be proper, severally endorsed "concurred in."

A resolution directing the Trustees of Baltimore City and County Almshouse in their Annual Reports to the Mayor and City Council to give a more detailed statement of the articles purchased for the house, showing the average cost of each, and the principal articles, from whom purchased, by contract or otherwise, with the total cost of the same; also, a statement of what disposition is made of the empty barrels, packages, waste material, &c., necessarily accumulating in such an institution, was received from the Second Branch, read and laid on the table.

A resolution directing the Visitors of the Jail, in their Annual Reports to the Mayor and City Council to give a detailed statement of the articles purchased for the Institution, with the average cost of each, from whom purchased, by contract or otherwise, with the total cost of the same; also, a statement of what disposition is made of the empty packages and waste material necessarily accumulating in said Institution, was received from the Second Branch, read and laid on the table.

Mr. Phelps called up the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance for the erection and completion of the New Jail for the City of Baltimore,' approved May 21, 1858," which was read.

Mr. Phelps moved to amend the ordinance by striking out all after the word "the" in the third line of the first section, to the word "shall" in the seventh line, inclusive, and inserting in lieu thereof the words "City Commissioners shall hereafter," which was determined in the affirmative.

Mr. Phelps moved to further amend the ordinance by inserting after the figures "1858," in the third line of the second section, the following, "approved May 21, 1858," which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

On motion of Mr. Bolgiano, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, March 6th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented the petition of John L. Chapman, asking to be allowed to burn oyster shells on his premises, on the corner of Lancaster and Eden streets, which was referred to the joint standing committee on Health.

Mr. Bolgiano presented the petition of George Appold & Sons and others, asking to have an abatement made in the valuation of certain property on the suburbs of the city, and outside of the limits of direct taxation, which was referred to the joint standing committee on Ways and Means.

Mr. Bolgiano presented the petition of George Stromberger and others, asking that a steam fire plug may be placed at or

near the junction of Forrest and Orleans streets, which was referred to the joint standing committee on the Fire Department.

Mr. Brown presented the memorial of the Gas Light Company, remonstrating against the passage of certain ordinances for the inspection of gas and gas meters, heretofore offered in this Branch, in their present form, which was referred to the joint standing committee on the Fire Department.

Mr. Dixon presented the petition of John S. Gittings and others, asking for the extension of Cross street market house, &c., which was referred to the joint standing committee on Markets.

Mr. Dixon presented the petition of Thomas Holmes and others, asking for a regulation of the line of stalls in Centre Fish market, which was referred to the joint standing committee on Markets.

Mr. Crout presented the petition of Charles Myers, asking compensation for damages occasioned by the laying of the City Passenger Railway track on Pennsylvania avenue, which was referred to the joint standing committee on Claims.

Mr. Chase, from the joint select committee on the City Commissioner and Port Warden's accounts, submitted the following report and resolution, which were read:

The joint select committee on the City Commissioner and Port Warden's accounts, have performed the duty assigned them, and beg leave to report that they found the books and papers well kept, and all the accounts and expenditures of the department sustained by proper vouchers. They, therefore, respectfully submit the following resolution:

H. H. CHASE,
JOHN J. STAYLOR,
THOS. J. BROWN,

First Branch.

WM. SWINDELL,
WM. DEAN,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Hay called up the resolution authorizing the joint standing committee on the Almshouse to alter and modify the contracts heretofore made with the contractors for work and materials on the Almshouse buildings, commenced on the farm purchased of A. W. Goldsborough, and to substitute the same so as to apply to the buildings to be erected for Almshouse purposes on the property belonging to the city of Baltimore, and near to the present Almshouse, and to obtain the consent of the said contractors in writing in relation to the said changes and modifications, which was read.

Mr. Yeisley moved to amend the resolution by inserting after the word "Almshouse," in the eighth line, the words "or any other site that may be selected," which was determined in the affirmative.

Mr. Phelps moved to amend the preamble to the resolution by striking out all after the word "on," in the fourth line, to the word "Almshouse" in the fifth line, inclusive, and inserting in lieu thereof the words "other property to be selected by them to the East of the City of Baltimore," which was determined in the negative by the following vote, the yeas and nays being required by Mr. Bouldin:

Yeas—Mr. Phelps.—1.

Nays—Messrs President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Drakeley, Allen, Chase, Dixon, Hay, Tegmeyer, and Crout.—19.

The question recurring on the adoption of the resolution as amended, the same was adopted.

The Second Branch returned the resolution discharging the joint standing committee on Health from the further consideration of the petition of Louis Lohrfink, and the resolution granting permission to Barrack & Phillips to use the building on the corner of Fremont and Ramsey streets for a sale and livery stable, severally endorsed "concurred in."

On motion of Mr. Staylor, the rules were suspended to allow him to introduce an ordinance entitled "An ordinance supplementary to an ordinance to regulate the several markets in the city of Baltimore," which was read and laid on the table.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, March 6, 1861.

To the Honorable the Members

of the First Branch of the City Council.

GENTLEMEN :—

I have approved of and signed the following ordinances and resolutions emanating from your body, viz :

An ordinance to appoint City Commissioners and Port Wardens, and to prescribe their duties and fix their compensation.

A supplement to an ordinance entitled “ An ordinance to preserve the Health of the City of Baltimore.”

An ordinance to continue for a definite time the office of City Auditor.

Resolution directing the City Commissioner to erect a gas lamp on the corner of Eager street and Morton alley.

Resolution directing the City Commissioner to have stepping stones placed across Reed street at Charles street.

Respectfully,

GEO. WM. BROWN, *Mayor.*

Mr. Bouldin called up the ordinance entitled “ An ordinance appointing a messenger to the Mayor and a janitor of the City Hall, fixing their compensation and prescribing their duties.”

The pending motion being to fill the blank in the fourth line of the third section with four hundred and twenty dollars, the same was determined in the negative.

Mr. Myers moved that the ordinance be committed to the joint standing committee on City Property, which was determined in the negative.

Mr. Bouldin moved to fill the blank in the fourth line of the third section with three hundred and sixty dollars, which was determined in the affirmative.

Mr. Bolgiano moved to fill the blank in the sixth line of the third section with a thousand dollars, which was determined in the affirmative.

The question recurring on the passage of the ordinance, the same was passed.

On motion of Mr. Thomas, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, March 7th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Nicholas presented a communication from Henry W. Rogers, as agent, offering to sell to the city a tract of land near the Frederick turnpike, as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

Mr. Nicholas presented a communication from George R. Cinnamon, attorney for Mrs. Harper, offering to sell to the city, a tract of land on the Falls Turnpike, as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

Mr. Bolgiano presented a communication from F. Roloson, offering to sell to the city his Paradise farm, on the Frederick Turnpike, as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

The President presented a communication from James C. Morford, offering to sell to the city a tract of land on the Belair Road, a tract of land on the Harford Turnpike, a tract of land on the Franklin Turnpike, and several tracts on the Hookstown Turnpike, as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

Mr. Bandel presented the petition of McCoull & Slater, asking to have certain taxes paid in error, refunded, which was referred to the joint standing committee on Claims.

Mr. Dixon, from the joint committee of Conference, to whom was referred the matter of the disagreement of the two Branches in reference to the compensation to be allowed the hands employed by the Commissioner of Health and Superintendents of Streets, submitted the following report and an ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to provide for the appointment of Superintendents of Streets, and to prescribe their duties,' approved 31st May, 1858," which were read:

The joint committee of Conference, to whom was referred the matter of the disagreement of the two Branches in reference to the compensation to be allowed the hands employed by the Commissioner of Health and Superintendents of Streets, beg leave to report that they have arrived at the conclusion that it would best subserve the interests of the Corporation that the ordinance should be passed without the amendments proposed by the Second Branch. The committee, therefore, submit the accompanying ordinance and recommend its passage:

JOHN A. J. DIXON,

JOHN BOLGIANO,

First Branch.

WM. SWINDELL,

JAS. B. GEORGE, SR.

JOHN W. WILLSON,

Second Branch.

On motion of Mr. Bolgiano, the ordinance was read a second time, by special order, and passed.

Mr. Phelps offered the following resolution, which was read and referred to the joint select committee on Volunteer Military Companies:

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby directed to pay to the captain or commanding officer of each of the Volunteer Companies of the city, duly enrolled, organized, armed and equipped according to law, which shall have duly complied with the requirements of Article 4 of the Public Local Laws for the year 1860, the sum of two hundred dollars out of any money in the treasury not otherwise appropriated—provided that each captain or com-

manding officer who may make application for said sum shall first make oath before the Mayor that his company has made the four regular law parades for the year 1860, with not less than an average of thirty men for each and every such parade, and shall also give bond with sureties, to be approved by the Mayor and the Comptroller, in the sum of four hundred dollars, conditioned that the sum so awarded to him shall be appropriated to the necessary use of said company, and not otherwise.

The Second Branch returned the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance for the erection and completion of the New Jail for the City of Baltimore,' approved May 21, 1858," endorsed "passed."

Mr. Allen called up the resolution directing the Trustees of Baltimore City and County Almshouse in their Annual Reports to the Mayor and City Council to give a more detailed statement of the articles purchased for the house, showing the average cost of each, and the principal articles, from whom purchased, by contract or otherwise, with the total cost of the same; also a statement of what disposition is made of the empty barrels, packages, waste material, &c., necessarily accumulating in such an institution, which was read.

Mr. Wolf moved to amend the resolution by striking out the word "more," in the fourth line, which was determined in the affirmative.

Mr. Drakeley moved to further amend the resolution by striking out all after the word "that," in the seventh line to the word "the" in the eighth line, which was determined in the affirmative.

Mr. Drakeley moved to further amend the resolution by adding at the end thereof the words "shall be sold for the highest attainable price and accounted for in their annual report," which was determined in the affirmative.

The question recurring on the adoption of the resolution, as amended, the same was adopted.

Mr. Allen called up the resolution directing the Visitors of the Jail, in their Annual Reports to the Mayor and City Council to give a detailed statement of the articles purchased for the Institution, with the average cost of each, from whom purchased, by contract or otherwise, with the total cost of the same; also, a statement of what disposition is made of the empty packages and

waste material necessarily accumulating in said Institution, which was read.

Mr. Drakeley moved to amend the resolution by striking out all after the word "that," in the sixth line, to the word "empty," in the seventh line, which was determined in the affirmative.

Mr. Drakeley moved to further amend the resolution by adding at the end thereof the words "shall be sold for the highest attainable price, and accounted for in their annual report," which was determined in the affirmative.

The question recurring on the adoption of the resolution, as amended, the same was adopted.

Mr. Allen called up the message from the Second Branch, proposing, with the concurrence of this Branch, that when the Council adjourns on Friday next, the 8th instant, it stand adjourned until Wednesday afternoon, March 20th, and that the several committees be requested to meet in the interval, at five o'clock each afternoon, and agree upon the matters referred to them, so that they may report on the 20th of March, or as early thereafter as possible, so that the Council may adjourn *sine die* early in April.

Mr. Bouldin moved that the Branch non-concur in the proposition contained in the message, which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Bouldin:

Yeas—Messrs. President, Yeisley, Wolf, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Brown, Dixon, Hay, Tegmeyer, and Crout—13.

Nays—Messrs. Myers, Nicholas, Blanchard, Drakeley, Allen, and Chase—6.

Mr. Bandel offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the City Counsellor be, and he is hereby requested to furnish this Branch, at his earliest convenience, with his opinion as to the power of the Mayor and City Council to pass ordinances for the inspection of gas and gas meters, and imposing penalties for the violation of the same.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

Mr. Bandel offered the following resolution, which was read :

Resolved by the First Branch of the City Council, That the Board of City Commissioners and Port Wardens be, and they are hereby requested to furnish this Branch with a statement of the cost of a sufficient number of shade trees, and for planting the same on all the squares in the centre of Broadway, north of Baltimore and south of Gay street, and also the cost of having said trees properly protected with iron guards.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin called up the resolution authorizing the City Commissioners to replace the dead trees in Franklin Square, and place such additional trees in said square as may be necessary to better shade the grounds within the enclosure, and appropriating one hundred dollars, or so much thereof as may be necessary, to pay for the same, which was read.

Mr. Bolgiano moved to amend the resolution by inserting after the word "same" in the seventh line, the words "and the further sum of five hundred dollars for the improvement of Madison Square, namely: planting trees, regulating and graveling the walks and fixing the water courses to enable them to carry off the surplus water from said square," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted by the following vote, the yeas and nays being required by Mr. Bouldin :

Yeas—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Brown, Drakeley, Chase, Hay, Tegmeyer, and Crout.—15.

Nays—Messrs. Nicholas, Blanchard, Allen, and Dixon—4.

Mr. Staylor called up the ordinance entitled "An ordinance supplementary to an ordinance to regulate the several Markets in the City of Baltimore," which was read.

Mr. Brown moved that the ordinance be laid on the table, which was determined in the affirmative.

On motion of Mr. Bouldin, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, March 8th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented a communication from Samuel Register, offering to sell to the city a tract of land, near the Belair Road, as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

The President presented a communication from T. Yates Walsh, offering to sell to the city a farm, situated between the Reisterstown Turnpike and the Falls Turnpike, as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

Mr. Blanchard presented a communication from James J. Forbes, offering to sell to the city, certain property lying immediately upon the White Sulphur Spring Road, as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

Mr. Crout presented the petition of Bernhard Wolff and others, asking that permission be granted to Joseph Brent, to sink a well and erect a pump at the southeast corner of Chatsworth street and Chesnut alley, which was referred to the joint standing committee on Water.

Mr. Blanchard presented the petition of Wm. T. Vanlill, asking to have certain taxes paid in error, refunded, which was referred to the joint standing committee on claims.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Police and Jail, to whom was referred the petitions for gas lamps on Lee street, between Warner and Fremont; on West Baltimore street, between Gilmor and Fulton, and at the intersection of Schroeder and Raborg streets, beg leave to report the following resolution:

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to have gas lamps placed on West Baltimore street, between Gilmor and Fulton street, and on Lee street, between Warner and Fremont street; the expense of erecting the same to be taken out of the appropriation for pillars and lamps for the year 1861.

Mr. Nicholas moved that the following message be sent to the Second Branch, which was determined in the affirmative:

IN FIRST BRANCH,

Baltimore, March 8th, 1861.

Gentlemen of the Second Branch:

We propose, with your concurrence, that when the Council adjourns to-day, it stand adjourned until Wednesday afternoon, March 20th, and that the standing committees be requested to meet in the interval at five o'clock each afternoon, and agree upon the matters referred to them, on the 20th of March, or as early as practicable thereafter, with a view to as early an adjournment of the Council *sine die*, as the circumstances of the public business will allow.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of George Horst, asking permission to retain a wooden shed in the rear of his premises, No. 174 Ann street, have visited the premises and find that said shed is used as a horse stable, and is of a dangerous character, they are therefore of the opinion that the prayer of the petitioner should not be granted; they, therefore, beg leave to submit the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,
ASA HIGGINS,
JOSEPH ROBB,

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of Joseph Reynolds, asking permission to erect a steam engine on the rear of his premises, No. 12 South Balderston street, have visited the premises and believe the said engine will not endanger the property in the neighborhood; they find also, that said Reynolds has complied with the ordinance by advertising the intended application; they, therefore, beg leave to submit the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,
ASA HIGGINS,
JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to Joseph Reynolds to erect a steam engine not exceeding twenty-five horse power on his premises, No. 12 South Balderston street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of M. Hamalt and Anthony Schroder, asking permission to retain a frame shed in the rear of their premises, Nos. 140 and 142 Washington street, having visited the premises find thereon several sheds erected in violation of the existing ordinance. The sheds in the rear of their houses, and attached thereto, are unobjectionable; but they also found a large wooden structure, used as a spice mill, in which fire is used, and built of the lightest material, and hence very dangerous to the property in the neighborhood in case of fire (to which it is at all times liable,) and should be removed forthwith; they, therefore, offer the following resolution:

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

ASA HIGGINS,

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to M. Hamalt and Anthony Schroder, to retain in use the frame sheds in the rear of and attached to their respective houses, Nos. 140 and 142 Washington street, and that the said M. Hamalt and Anthony Schroder be required to remove the building erected of wood on the rear of the said premises (and now used as a spice mill) forthwith.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of E. A. Abbott, asking permission to erect a small frame addition to his premises, No. 113 South High street, having visited the premises are of opinion that the request of the petitioner should be granted; they, therefore, beg leave to submit the following resolution:

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

ASA HIGGINS,

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to E. A. Abbott, to erect a small frame improvement in the rear of his dwelling, No. 113 South High street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of Wm. D. Durham, asking permission to erect a first class livery stable on Howard street, three doors north of Richmond street, having visited the premises are of the opinion that the contemplated improvement would in no wise endanger the neighborhood, or be detrimental to the health thereof; they, therefore, beg leave to submit the following resolution:

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

ASA HIGGINS,

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby granted to Wm. D. Durham, to erect a livery stable on his premises, on Howard street, three doors north of Richmond street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of Margaret Kiernan, asking permission to erect a frame shed on her premises, No. 248 West Franklin street, have visited the premises and are of the opinion that the contemplated improvement will in no wise endanger the surrounding property; they, therefore, beg leave to offer the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,
ASA HIGGINS,
JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to Margaret Kiernan, to erect a frame shed on her premises, No. 248 West Franklin street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of E. H. Frazier, praying that he may be permitted to occupy a portion of Thames street, in front of his premises, for the purpose of repairing boilers, &c., have examined the premises and find that the petitioner might occupy the one-third part of said street, in front of his premises, without detriment to

the public travel or the owners or occupiers of the adjoining property; they, therefore, respectfully offer the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

JOSEPH ROBB,
ASA HIGGINS,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That E. H. Frazier be and he is hereby permitted to use and occupy one-third part of Thames street, in front of his property, for the purpose of repairing boilers, &c., until the 1st day of July, 1861, and shall, whenever, notified by the Mayor, remove all obstructions from said street after the time granted.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Phelps, the rules were suspended to allow him to introduce an ordinance, entitled "An ordinance to provide for the improvement of the Lexington Market, and for the building an Armory over the same," which was read and referred to the joint select committee on Volunteer Military Companies.

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Water, to whom was referred the petition of R. H. Moale for permission to sink an Artesian Well and erect a pump at the N. W. corner of Conway and Sharp streets, having examined the subject, find that the neighborhood is well supplied with water, and that the residents of the locality are opposed to, and remonstrate against the sinking of the well at the place named; and beg leave to offer the following resolution:

THOS. J. BROWN,
SOLOMON ALLEN,
J. H. TEGMEYER,
First Branch.

ASA HIGGINS,
Second Branch.

Resolved by both Branches of the City Council of Baltimore, That R. H. Moale have leave to withdraw his petition, and that the committee be discharged from the further consideration of the subject.

Mr. Staylor offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the Board of City Commissioners and Port Wardens inform this Branch if the Greenmount Cemetery Company's wall on Greenmount avenue does not extend on the foot-way farther than is permitted by the existing ordinance regulating side-walks.

On motion of Mr. Staylor, the resolution was read a second time by special order.

Mr. Crout moved that the resolution be laid on the table, which was determined in the affirmative.

Mr. Bouldin called up the resolution authorizing the City Commissioner to have drops placed in the openings leading into the sewers on Charles street, at the intersections of Balderston and Charles streets and Uhler's alley; or such other contrivance as will in his judgment best prevent the escape of foul air from the said openings, which was read.

Mr. Bouldin moved to amend the resolution by striking out the words "Commissioner be and he is" in the second line, and inserting in lieu thereof the words "Commissioners be and they are," which was determined in the affirmative.

Mr. Bouldin moved to further amend the resolution by striking out the word "his" in the sixth line, and inserting in lieu thereof the word "their," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Crout called up the resolution directing the City Commissioner to have a gas lamp placed in front of the new building of the Home of the Friendless, on Ross street, near Townsend street, which was read and concurred in.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, March 8th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition that when the Council adjourns this afternoon, it stand adjourned until the 20th instant, and requesting the committees to meet each afternoon, during the interval, at five o'clock, and agree upon the matters referred to them on the 20th instant, or as soon thereafter as practicable, with a view to an early adjournment of the Council *sine die*.

By order,

ALLEN E. FORRESTER, *Clerk*.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read:

The joint standing committee on Health, to whom was referred the petition of John L. Chapman, for permission to erect a kiln, for the purpose of burning oyster shells, at the corner of Lancaster and Eden streets, beg leave to offer the following resolution:

D. E. THOMAS,

H. H. CHASE,

JOHN BOLGIANO,

First Branch.

JOHN W. WILLSON,

WM. DEAN,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to John L. Chapman, to erect a kiln, for the purpose of burning oyster shells, on the corner of Lancaster and Eden streets; provided, however, that the same shall be removed after three months' notice by the Mayor.

On motion of Mr. Thomas, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution granting permission to Wm. D. Durham to erect a livery stable on his premises,

on Howard street, three doors north of Richmond street; the resolution discharging the joint select committee on the City Commissioner and Port Warden's accounts from the further consideration of the same, and the resolution authorizing the joint standing committee on the Almshouse to alter and modify the contracts heretofore made with the contractors for work and materials on the Almshouse buildings, commenced on the farm purchased of A. W. Goldsborough, and to substitute the same so as to apply to the buildings to be erected for Almshouse purposes on the property belonging to the city of Baltimore, and near to the present Almshouse, or any other site that may be selected, and to obtain the consent of the said contractors, in writing, in relation to the said changes and modifications, severally endorsed "concurred in."

A resolution authorizing the City Commissioners to place a gas lamp in front of the Breckinridge Mission Chapel, situated on Forrest street, between Truxton and Eager streets, was received from the Second Branch, read and concurred in.

A report from the joint standing committee on the Fire Department, with a resolution granting permission to H. Abbott & Son, to erect one or more steam engines for the purpose of manufacturing iron in their mill about being erected on the corner of Hudson and Cannon streets, Canton, were received from the Second Branch, read and laid on the table.

A report from the joint standing committee on the Fire Department, with a resolution granting permission to William H. Fowler, to raise one story on each of two frame back buildings, Nos. 285 and 287 Columbia street, between Scott and Poppleton streets, were received from the Second Branch, read and laid on the table.

Mr. Bandel offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Board of City Commissioners and Port Wardens be and they are hereby authorized and directed to have a gas lamp placed on Fayette street, midway between Aisquith street and Central avenue; the expense of the same to be paid out of the annual appropriation for new lamps and pillars for 1861.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to change the gutters of Townsend street, at Walsh street, so that the water will flow down Walsh street; the expense thereof to be taken from the annual appropriation for the repairs of paved streets for the year 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Staylor moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Staylor and Myers who repaired to the chamber of the Second Branch, and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Allen, the Branch adjourned until the afternoon of the 20th instant, at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, March 20th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members except Mr. Blanchard.

Mr. Wolf presented the petition of George Waggner, asking an increase of compensation as Keeper of the Eastern Spring, which was referred to the joint standing committee on Ways and Means.

Mr. Brown presented the petition of Augustus Ballauf, asking permission to erect and extend a workshop three feet over the wall of Jones' Falls, which was referred to the joint standing committee on the Fire Department.

Mr. Nicholas presented the petition of Caroline M. Emory and others, asking to have the present old oil lamp at the intersection of Lerews and Wilson alley removed, and a gas lamp substituted in its place, which was referred to the joint standing committee on Police and Jail.

Mr. Chase presented the remonstrance of John Barron and others, against erecting an armory over the Lexington Market House, which was referred to the joint select committee on Volunteer Military Companies.

Mr. Crout presented the remonstrance of Francis Hoover and others, against erecting an armory over the Lexington Market House, which was referred to the joint select committee on Volunteer Military Companies.

Mr. Crout presented the petition of Samuel Clifford and others, asking to have Chesnut alley, between Ogston and Fremont streets, condemned and paved, which was referred to the joint standing committee on Highways.

Mr. Hay presented the petition of Joshua F. King, asking permission to erect a frame shed in the rear of his premises, No. 707 W. Lexington street, which was referred to the joint standing committee on the Fire Department.

Mr. Hay presented the petition of John T. Bullock & Son, proprietors of a Glue Factory situated on Gwynn's Falls, ask-

ing permission to keep hogs on said premises, which was referred to the joint standing committee on Health.

Mr. Bandel presented the petition of Mathew McClintock and others, asking to have the pump on Orleans street, near Ann street, repaired, which was referred to the joint standing committee on Water.

The President presented a communication from Nicholas Cotter and others, calling attention to the condition of the pump on Morton alley, between Biddle and John streets, which was referred to the joint standing committee on Water.

Mr. Bandel presented the petition of George J. Schillenberger, asking a hearing in relation to an alley in the rear of his premises, No. 50 Caroline street, which was closed by the School Commissioners of the year 1860, which was referred to the joint standing committee on City Property.

Mr. Bouldin presented the petition of Haslett McKim and others, relative to the communication between Fell's Point and Locust Point, which was referred to the joint standing committee on Highways.

Mr. Drakeley presented a communication from T. N. Reid, agent, offering to sell to the city a farm on the Franklin Turnpike, as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

Mr. Thomas offered the following resolution, which was read and laid on the table :

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby directed to have Gas Mains laid along Fayette street, between Aisquith and Canal streets.

Mr. Nicholas offered the following resolution, which was read and referred to the joint standing committee on Education :

Resolved by the Mayor and City Council of Baltimore, That William Peacock, a deaf mute of the city of Baltimore, who is under twenty-one years of age, of sound mind, and in indigent circumstances, be, and he is hereby recommended to the Governor of the State of Maryland as a beneficiary, under the New Code of Maryland, Article 33.

Mr. Brown offered the following resolution, which was read and referred to the joint standing committee on Police and Jail:

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby granted to Osbern McBee, to place a lamp in front of his premises, No. 42 Centre Market space, at his own expense; the material to light said lamp to be furnished by himself, and at his own cost.

Mr. Bandel offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the City Commissioners be, and they are hereby requested to inform this Branch, at their earliest convenience, of the cost of paving and grading the footways around Jackson square, and the repairing of the fences and tree-boxes thereon, and also the replanting of such trees as are necessary.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

The following communication was received from the Commissioners for Opening Streets, and referred to the joint standing committee on Highways:

OFFICE OF THE COMMISSIONERS FOR OPENING STREETS,
Baltimore, March 20th, 1861.

To the Honorable the Members

of the First Branch of the City Council:

GENTLEMEN:

The Commissioners for Opening Streets have received a communication, dated First Branch, March 5th, 1861, asking the amount of expense incurred for and on the account of the opening of Arch street, in reply beg leave to say that the expense so far amounts to fifteen hundred and forty-seven dollars and seventy-two cents.

By order of the Commissioners,

PHILIP T. DAWSON,

Clerk to the Board.

The following communication was received from the City Commissioners:

CITY COMMISSIONER'S OFFICE,
Baltimore, March, 1861.

*To the President and Members
of the First Branch of the City Council:*

GENTLEMEN:

In answer to your resolution of 1st inst., requesting us to report to your Honorable Body at what expense the room west of that now occupied by the Appeal Tax Court, can be so arranged and made convenient and safe for the future occupation of the Appeal Tax Court; and the room now occupied by the Appeal Tax Court suitable for the Collector's Department; and the one above for the Auditor's Department; we would respectfully submit to you the following estimate, viz:

Appeal Tax Court room—for repairs and necessary furniture	\$80 00
Appeal Tax Court rooms fitted up for Commissioners for Opening Streets, and necessary furniture	160 00
	<hr/>
	\$240 00
Auditor's room—repairs and necessary furniture	75 00
Collector's room—repairs and alterations	175 00
Building fire-proof brick vault	400 00
	<hr/>
	\$890 00

The Commissioners would most respectfully call your attention to the importance of having the vault in the Collector's Department lined with Messrs. Poole & Hunt's Patent Chilled Iron Bank Vault Linings, as from the nature of the location and use of said vault, it is highly requisite that it should be made burglar-proof. And the advantages it claims are, that by its construction it is perfectly secure from the attacks of burglars, and can be transferred from its present position to any other that may be selected hereafter at a comparatively moderate expense.

According to Messrs. Poole & Hunt's proposition, the cost for lining walls, roof, floor, and ceiling of said vault would be about	\$800 00
Extra cost of doors and locks	150 00
	<hr/>
	\$950 00
Adding the preceding footing	890 00
	<hr/>
Making a Total	\$1,840 00

With great respect, yours truly,

ROBERT S. BEETLEY,
Chairman City Commissioners and Port Wardens.

Mr. Brown offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to alter the offices of the Collector, Auditor, and Appeal Tax Court, and furnish them to suit the convenience of the officers of said departments, and also to build a vault, in connection with said offices in accordance with the specifications stated in their communication to this Branch, provided the expenses of the whole improvement shall not exceed the sum of twenty-five hundred (\$2500) dollars, to be taken out of any money in the Treasury not otherwise appropriated.

The following communication was received from the Board of Police, and referred to the joint standing committee on Police and Jail:

OFFICE BOARD OF POLICE,

Baltimore, March 11th, 1861.

To the Honorable the Mayor

and City Council of Baltimore:

The Board of Police deem it to be their duty again, respectfully to submit to the consideration of your Honorable Body the propriety of making some improvements in the condition of the police station-houses, and especially in that of the Middle District, on Holliday and Saratoga streets.

In their report, made at the commencement of the present annual session of the Councils, it was stated by the Board that the present station-houses neither afforded sufficient accommodation for the police force, nor for the reception of persons committed or detained there. The views of the Board are endorsed by a report, made by the Grand Jury to the Honorable the Criminal Court, an extract from which is herewith respectfully submitted.

The Board are aware that under the law of the State they are authorized to make such alterations in the station-houses as they may deem to be necessary. In a matter of such importance however, which will involve a considerable expenditure of the funds of the city, the Board have been unwilling, without the concurrence and approbation of your Honorable Body, to make improvements which, however much they may be called for, may be said to be not more absolutely required than they have been for some years past. Fully conscious of the heavy obligations under which the city now rests for improvements of vari-

ous kinds, and in view of the general financial embarrassments and depression of business prevalent throughout the country, the Board have refrained from correcting the evils of which they have made mention. But entirely concurring as they do in all that has been reported in the matter by the Grand Jury, the Board beg leave earnestly to invite the attention of the Honorable the Mayor and City Council to the subject, and to request them to examine into it for themselves, in the hope that it may be found practicable and expedient, without imposing too heavy burdens upon the community, to adopt measures which will at least mitigate the evils complained of.

With great respect,

By order of the Board of Police,

CHARLES HOWARD, *President*.

[Extract from the Baltimore American of March 8th, 1861.]

THE CONDITION OF THE STATION-HOUSES.

The Grand Jury having appointed four of their number as a committee to examine into the condition of the station-houses, have made the following report :

To Honorable Hugh L. Bond, Judge of the Criminal Court :

The Grand Jury having appointed a committee of their number to inspect the several station-houses of the city of Baltimore, deem it within the sphere of their duty to present to you the result of their observations.

They found the utmost cleanliness and order maintained in all the several departments of the various houses appropriated to the use of the Police Department, whilst they were forcibly impressed with the very limited and inadequate accommodations of space and room afforded for the officers and members of the police force. More especially is this the case in regard to the Central Station-House, built originally for the accommodation of one-fourth the present force. It is situated in a close and confined neighborhood, is too contracted for the purposes intended, is devoid of ventilation, and the materials of which the cells or rooms designed for the incarceration of prisoners are constructed render it utterly impracticable to prevent the accumulation of insects and filth. The foul air arising from these confined and often crowded rooms, even in cold weather, renders the limited apartments allotted to the officers and men untenable.

We would invite especial attention to the contracted and very limited number of ill-ventilated rooms allotted for the detention of prisoners, compelling the incarceration frequently of all classes and grades of unfortunates in the same rooms, whilst there is no place whatever provided for the accommodation of witnesses necessarily and frequently detained throughout the entire night. We feel constrained to say that it is absolutely discreditable to our city, to condemn even criminals, for a single night, to such apartments, much less innocent, and frequently respectable witnesses, to say nothing of the serious inconvenience to which the wearied and exhausted officers and men must be subjected in the confined apartments allotted to them.

We are equally impressed that no efforts on the part of those having these buildings in charge can remedy the evils referred to without considerable attention in the construction and enlargement of the buildings, which can easily be done at all the station-houses except that of the Middle District, which, in our opinion, should be reconstructed on a much larger scale.

While we feel that in thus, through your Honor, inviting attention to the correction of very serious evils in the administration of justice in our municipal affairs our duty has been performed, we should yet feel that we had been derelict unless we had impressed upon the proper officers the imperative duty of remedying, with as little delay as possible, the evils herein complained of. It is due alike to the present efficient police force of our city, in whose behalf we are bound to speak.

[Signed]

JAMES LUCAS, Foreman,
DANIEL J. FOLEY,
JOHN G. CLARK,
CUMBERLAND DUGAN.

The following communication was received from the Physician of the Marine Hospital, and referred to the joint standing committee on City Property :

MARINE HOSPITAL, March 16, 1861.

To the Honorable the Mayor

and City Council of Baltimore :

GENTLEMEN :—

As it will be necessary to make some considerable outlay, in order to put this Hospital in a proper condition for the fulfilment of the objects for which it was designed, I deem it necessary to inform you of the condition in which I found it, when I entered upon the discharge of the duties as Physician. For the

better understanding of the actual state of things, I have taken an account of all articles found at the Hospital, and noted their condition. There were as follows, viz: In the dining-room, 1 safe, 2 curtains, 1 table-cloth, 1 dining table, 6 chairs, (broken) 1 cooking stove, 3 meat dishes, 2 vegetable dishes, 5 bowls and saucers, 4 tea-cups, 5 mugs, 6 knives and forks, 1 dozen table spoons, $\frac{1}{2}$ dozen tea spoons. In the kitchen and wash house: 1 water bucket, 1 milk bucket, 1 slop bucket, 2 tables, 2 broken benches, 1 stone, 4 flat irons and sundry tins. In the wards of the Hospital: 43 single blankets, 12 double blankets, 36 single sheets, 18 bed spreads, 30 bed ticks, (all old and unfit for use,) 24 pillow cases, 4 towels, 3 stoves, 2 chamber buckets, 3 comforts, 18 pillows, 34 iron bedsteads, 4 small tables, 3 lamps.—All of the above articles in the Hospital are quite unfit for use; the bedsteads being very much out of repair, the mattresses very much soiled and torn, and in fact everything entirely unadapted for the purposes of such an institution. In regard to outdoor affairs, I wish to say that the property is suffering on account of the total absence of anything like proper fencing; the stock from miles around constantly committing depredations upon the premises. It is useless to undertake any planting, as it would be utterly impossible to protect the crops. The Hospital building requires a great deal of repair, the walls externally being injured by the giving way of the arches of some of the doors and windows, and the dampness from that cause injures the plastering and causes it to fall. In fact, the building requires to be repaired from basement to roof, inside and out. Permit me to suggest that if it is determined to have this necessary work done, that now is the most convenient season for accomplishing it; and that it is absolutely necessary the most casual inspection will fully demonstrate. Hoping that you will give this matter early consideration.

I remain, very respectfully, yours, &c.,

JOHN KERR, *Physician Marine Hospital.*

The following communication was received from the Commissioner of Health and City Physician, and referred to the joint standing committee on Health:

HEALTH OFFICE,

Baltimore, March 20th, 1861.

To the Honorable the Mayor

and City Council:

GENTLEMEN:

I have thought it proper to present for your consideration the subjoined statement of the financial condition of the Marine

Hospital with a view that your Honorable Body may take such action in relation thereto as may seem proper.

Amount overdrawn, Jan. 1st, 1861.....	\$1531 72
Bills for which orders have been drawn upon the Comptroller since January 1st, 1861.....	855 06
Bills unpaid now in this department.....	614 35
Deficiency to this date	<u>\$3001 13</u>

We have reason to believe that there are still due on the Hospital Account several bills which have not yet been presented to this department, and with the amount of which we are not acquainted.

Respectfully submitted,

CHAS. H. BRADFORD,

Commissioner of Health and City Physician.

Mr. Bolgiano, from the joint standing committee on Markets, submitted the following report and an ordinance entitled "An ordinance to regulate the Market House at Fish Market Space, east of the Centre Market Space, and to define the limit in which scaled fish may be sold," which were read and laid on the table:

The joint standing committee on Markets, to whom was referred the petition of Thomas Holmes and others, praying for a regulation to define which stalls in the Market house on Fish Market space may be used for the sale of scaled fish, and which for salted fish, crabs, and cheese, after having given every opportunity to those interested to state their grievances, have come to the conclusion that custom, law, and equity have heretofore established a line, and we therefore propose to offer the accompanying ordinance, to more clearly define the privileges of each party, and more fully to bring into use for what it originally was intended, all the stalls in the said market.

JOHN BOLGIANO,

GEO. W. WOLF,

H. CROUT,

First Branch.

JESSE MARDEN,

WM. SWINDELL,

Second Branch.

Mr. Bolgiano, from the joint standing committee on Markets, submitted the following report and resolution, which were read and laid on the table :

The joint standing committee on Markets, to whom was referred the petition of James T. Hudson, asking permission to sell wrapping paper in the several markets during market hours, after consideration propose the following resolution :

JOHN BOLGIANO,
GEO. W. WOLF,
H. CROUT,

First Branch.

JESSE MARDEN,
WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Mayor be, and he is hereby authorized, in his discretion, to grant permission to one or more persons the privilege of selling wrapping paper to those selling in the several markets during market hours.

Mr. Bolgiano, from the joint standing committee on Markets, submitted the following report and resolution, which were read and laid on the table :

The Joint Standing Committee on Markets, to whom was referred the petition of Henry Reiman and others, praying the erection of a market house on the space between Green street and the Fish Market at the Lexington Market, and the remonstrance of William J. Kirk and others against building the same, have had the whole matter under consideration, and afforded those for and against an opportunity to be heard, when after mature deliberation we have come to the conclusion that the City's interest will be best subserved by not granting the prayer of the petitioners. We therefore append the following resolution for your approval.

JOHN BOLGIANO,
GEO. W. WOLF,
H. CROUT,

First Branch.

JESSE MARDEN,
WM. SWINDELL,

Second Branch.

Resolved, That the Committee be discharged from the further consideration of the subject.

Mr. Bolgiano, from the joint standing committee on Markets, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Markets, to whom was referred the petition of Alexander Gould and others, praying for the extension of the Cross Street Market house, respectfully report that, in the opinion of your committee, for the present we deem the extension unadvisable. We therefore offer the following resolution.

JOHN BOLGIANO,
GEO. W. WOLF,
H. CROUT,

First Branch.

JESSE MARDEN,
WM. SWINDELL,

Second Branch.

Resolved that the committee be discharged from the further consideration of the subject.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and resolution, which were read:

The joint standing committee on Ways and Means of the City Council of Baltimore, to whom was referred the petition of Cockey & Co. and others, praying for a reduction of wharfage on lumber on the city wharves, have had the same under consideration, and are of opinion that the evil complained of as to dullness of sales occurs also in other branches of business besides that of the petitioners, and would not justify the Mayor and City Council in granting the prayer of the petition. They therefore recommend the adoption of the following resolution.

J. S. NICHOLAS,
H. W. DRAKELEY,
E. WYATT BLANCHARD,

First Branch.

F. W. ALRICKS,
JAS. B. GEORGE, Sr.,
DECATUR H. MILLER,

Second Branch.

Resolved by both Branches of the City Council, That the joint standing committee on Ways and Means be discharged from the further consideration of the said petition.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted an ordinance, entitled "An ordinance providing for the prompt collection of taxes on personal property levied by the State and City," which was read and laid on the table.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The Joint Standing Committee on Highways, to whom was referred the petition of Joseph H. Bean and others, relative to the changing of the gutter in Liberty street, and also the memorial of James McCurley and others, remonstrating against the changing of said gutter, after examining the premises carefully, are satisfied that it would not answer the purpose to change the gutter to the east and west sides of Liberty street (as formerly located), but would recommend that the present gutter should be properly regulated, and the stone pavement from the north line of James McCurley's Lot should be raised from the said gutter to the curb-stones on the east and west sides of said street, and that the water that flows from the south gutter of Fayette street should be turned around into Liberty street gutter, and the stepping stones across Liberty street south of Fayette street should be removed and placed across Liberty street, opposite the south end of the old Engine House, and would therefore offer the following resolution.

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby directed to alter

and regulate the gutter in Liberty street, between the north side of Fayette street and the southermost line of James McCurley's lot, and to repave the east and west sides of said Liberty street, or so much thereof as may be necessary to keep the flow of water in said gutter; and to remove the present stepping stones in said street to a point in a line with the south side of the old Engine House; and to draw on the Register, with the approbation of the Mayor for the sum of \$200, or so much thereof as may be necessary to defray the expense to be taken out of the appropriation for repairs of paved streets for the year 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Highways, to whom was referred a resolution of enquiry relative to the condition of Eastern avenue, between Washington street and Chester street, respectfully report that they have examined the premises, and are of the opinion that to repair the said street would be a useless expenditure of money at this time, as the condition of said street is now *desperta*, and will not allow of repairing. We therefore submit the following resolution, which provides for repaving.

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That when the lawful majority of the owners of front feet of property on Eastern avenue, from Washington street to Castle alley, and between Castle alley and Chester street, shall sign an application to repave said streets between the points named, and file the same with the City Commissioners for the repaving of said street between the points above named, and the same work be

faithfully executed under the approbation of the City Commissioners that the Register be authorized and directed to pay to the order of the City Commissioners, with the approval of the Mayor, the City's proportion, of said expense; said amount to be taken from the annual appropriation for paving and repaving Cross streets for the year 1861.

The following communication was received from the City Comptroller:

Baltimore, March 20, 1861.

To the Honorable the Mayor

and City Council of Baltimore:

GENTLEMEN:—

In compliance with resolution No. 33, approved February 18, 1861, instructing the undersigned to advertise for proposals for constructing a wharf, or pen, to extend from Herring Bar to the platform or wharf of the Marine Hospital, he would most respectfully report that he has attended to the requirements of said resolution, and herewith submits for the consideration of your honorable bodies the enclosed proposals.

Respectfully,

SAMUEL MACCUBBIN, *Comptroller.*

The following communication was received from the City Counsellor, and referred to the joint standing committee on Police and Jail:

BALTIMORE, March 20th, 1861.

To the First Branch of the City Council of Baltimore:

GENTLEMEN:—

The powers of the Gas Company, under the act of 1816, chapter 281, section 1st, passed 5th February, 1817, are to manufacture, procure, and collect gas or inflammable air, and to preserve, use, and distribute the same as a means of giving light, or for any other useful purpose, and also for lighting with gas the streets, squares, lanes, and alleys, and the houses and other buildings in the city and precincts of Baltimore or *elsewhere within this State*, and also for carrying on any manufacture necessary for converting to useful purposes the proceeds of any substances which may be employed in making or procuring gas, and for disposing of the same. These powers extend *throughout*

the State of Maryland. There does not seem to be any limitation as to the price to be charged for gas, nor any definition as to the kind of gas to be made, or substance from which it is to be made. It is a mere authority to manufacture, and to preserve, use and distribute the same. It is such a power as every individual has, and the only difference between its exercise by this corporation and by an individual relates to the question of individual and corporate responsibility. Any individual person might manufacture, use and distribute gas, and charge for the same according to the contract he might make, and in the absence of a contract claim a reasonable compensation therefor, and the Gas Company can do no more. There is not to be found in this charter any special grant of power, nor any especial privileges or rights.

It would seem that before the present Gas Company was incorporated there had been formed an association by Rembrandt Peale and others, which probably was not incorporated, and which was called "The Gas Light Company of Baltimore," and which had been formed to light the streets, lanes, and alleys in a more effectual manner than theretofore used, and with more safety, convenience, and beauty, by means of *carburetted hydrogen gas*. The Mayor and City Council of Baltimore, by ordinance passed 17th June, 1816, entitled "An ordinance to provide for more effectually lighting the streets, squares, lanes, and alleys of the city of Baltimore," made it lawful for "The Gas Light Company of Baltimore," then represented by Rembrandt Peale and others, to lay along and under the streets, squares, lanes, and alleys such and so many pipes, as might be necessary to convey gas (carburetted hydrogen gas) from their manufactory or manufactories which they are thereby authorized to establish and carry on within the city *until such permission should be revoked*, to and along any street, square, lane, or alley which they shall propose to light, and also to supply with light any house or other place, &c. By section 4th of this ordinance, authority is given to the Mayor to contract with Rembrandt Peale and the other members of "The Gas Light Company," to light the whole of the city by the year; in which section is to be found a proviso which authorizes the Mayor and City Council to cancel any such contract, and also the right to withdraw and annul any of the privileges granted by the said ordinance in the manner and to the extent therein specified. This ordinance is embodied in the act chartering the Gas Light Company and gives to the latter company the same rights, permissions, powers, and privileges as did belong to Rembrandt Peale and his associates, subject however to the same restrictions to which the first company was subject.

I have thus as concisely as possible explained the provisions of the Charter of the present Gas Light Company of Baltimore. It will be seen that there are no special grants of power, and that its rights to lay pipes through the streets is obtained from the Mayor and City Council of Baltimore, which corporation may, to use the language of the ordinance passed 17th June, 1816, withdraw and annul this right, "if it shall at any time thereafter appear to the Mayor and City Council that the manufacture of Gas, or the use of it as a means to light the city, injures the health or endangers the property of the citizens in a greater degree than the use of oil for the same purposes."

The powers of the Mayor and City Council under the Code are full "to establish and regulate inspections within the city, subject to the present or any future laws of the State" (see Sec. 28 of Art. 4th.) The Mayor and City Council may pass ordinances securing property and persons from danger or destruction, protecting the public and city property, rights, and privileges from waste or encroachment, and also "for promoting the great interests and insuring the good government of the city" (see Sec. 32 of Article 4th.) These powers are almost as broad and comprehensive as can be given, and it cannot be doubted that full power is thereby given to establish and regulate the inspection of gas. We have thus seen that there is nothing in the charter of the Gas Company to exempt it from such inspection, and other laws within the powers of the corporation as might be passed, in respect to any individuals engaged in the manufacture, use, and distribution of gas.

The next matter about which my opinion is asked relates to the Ordinance No. 22 and 23, presented by Mr. Bandel. The first of these which relates to the inspection and sealing of gas meters may, with some slight modifications suggested on the ordinance, be enforced, and is believed to be within the powers of the Corporation.

Ordinance No. 23 relates to the inspection of gas, and contains several important provisions. There would seem to be no objection to the general principles of this ordinance. Section 5th is in a form which may be questioned, and it would be best to alter it, and to provide for the enforcement of this law by proper penalties, which would secure its enforcement in a manner least liable to difficulty, and in the usual and accepted manner. There is clearly no power to pass the Seventh Section of this Ordinance, and it ought to be omitted altogether.

There is considerable difference of opinion on the question of the power to compel the Companies to furnish gas of a particular standard, and in order to meet these objections, and to bring to bear all the powers of the Corporation, I would suggest the propriety of a preamble to this Ordinance, which I have prepar-

ed, and will communicate with this opinion. Understanding as I do, that upon the purity of the gas which is now an article of necessity and in almost general use, depends in some extent the health of the city, and especially the prevention of injury to the eyes of the parties using it, and also the preservation of the property of the City from injury, it would seem to be a subject properly within the cognizance of the Mayor and City Council of Baltimore. Be this however as it may, gas has now become a matter of necessity, and there can be no doubt that the Mayor and City Council have full power to regulate its quality, and prescribe what descriptions thereof may be sold to consumers.— In the exercise of this power great care should be taken to prescribe no conditions which cannot be complied with, and not to exact a description such as would increase its expense to any great extent. Inspection laws are designed “to improve the qualities of the articles produced by the labor of a country, and to fit them for exportation and domestic use. These laws operate upon the subject before it becomes an article of commerce foreign or domestic, and prepare it for the purpose (see 2 Story on the Constitution, page 473, sec. 1014). These laws are also designed to protect the consumer from having given to him an inferior or unfit article. My opinion is, that the Mayor and City Council have a right to define the quality of this article, and to say what is or may be unfit or improper for use and consumption and prohibit by proper penalties its sale. I am unable to express any opinion as to the gas which is sold here, and whether or not it is such an article as should be prohibited. This can be determined by practical parties. I have no doubt that the powers of the City Government are broad enough to justify a prohibition of the sale of an article like gas, which in its judgment may be an inferior or unfit article.

Without some regulation as to the price of the article in case it should come up to the standard fixed, there may be a difficulty. My opinion however is, that there is no power in the corporation of Baltimore, to fix the price, and that this subject must be left as heretofore to those who manufacture and consume it.

GEORGE M. GILL, *City Counsellor*.

The following communication was received from the Mayor :

BALTIMORE, March 18, 1861.

HON. GEO. WM. BROWN, *Mayor*,

MY DEAR SIR:—

In compliance with your request, I now submit to you my opinion on the matters referred to in the Resolution of the City Council, which you enclosed to me.

The questions especially suggested by the resolution, relate to the power of the City Council to repeal the Ordinance for the widening and extending of Holliday Street, and to the liability of the city for damages in case of such repeal. The facts upon which these questions arise, are, I am informed, briefly as follows. After the passage of the ordinance, the Commissioners for opening streets proceeded in conformity with the ordinance No. 17 of 1850, to ascertain the damages and assess the benefits which would be occasioned by the proposed improvement, and regularly returned a statement thereof to the Register of the City. From this return some of the property holders appealed to the Criminal Court, where the damages and benefits having been corrected by the inquisition of a Jury, that inquisition was confirmed by the Court and duly certified to the Register. It also appears that persons assessed for benefits to the amount of \$3,000, have paid their assessments in cash, and that two property holders, to whom both damages and benefits were assessed, have under the provisions of ordinance No. 17 of 1850, section 5, made assignments of damages to the city. One of them has so assigned the whole of the damages allowed, amounting to \$21, 784⁶³/₁₀₀; and the other to whom \$19,448 was allowed as damages, has so assigned a large part thereof. I am also informed, that in some instances, damages allowed to one property holder have been assigned to the city in payment of benefits assessed against another property holder, but as such assignments do not seem to be authorized by the ordinance, they cannot properly affect the rights and obligations of the city, as to the matters involved in the present inquiry.

Upon this state of facts, I am of the opinion that the Mayor and City Council have the power to abandon their intention of widening and extending Holliday Street, and to effectuate that abandonment, by the repeal of the ordinance authorizing such widening and extension. Ordinarily the power of a corporation to repeal an ordinance is incidental to the right to pass it, and no reason is perceived why the power of repeal should not exist in the present case unless the ordinance has become a contract between the city and those property holders to whom benefits or damages have been assessed. It is to be observed that the ordinance itself is in no sense a contract. It is a public act of legislation by the city corporation in the exercise of the municipal legislative power entrusted to it as an instrument of the State government, and it expresses simply the legislative will of the corporation, without being dependent for its validity or operation on the assent or acceptance of property holders. It is also to be observed that under the act of Assembly of 1838, chapter 226, the city is not required to invoke the aid of a court to authorize the exercise of the powers which that act confers, but it

decides for itself the propriety of opening or widening a street, and carries its decision into execution by its own powers and through its own agents. It is true an appeal is allowed to the Criminal Court from the return of benefits and damages made by the Commissioners for Opening Streets, but the inquisition found upon that appeal by a jury, and the confirmation of it by the Court, merely ascertain the benefits and damages that will be occasioned by the contemplated improvement, and have no other or higher efficiency or effect than the return of the Commissioners would have had if no appeal had been taken. They simply, when certified to the Register, take the place of that return. The ascertainment in this mode of the damages and benefits places the city in no other or worse position, in reference to her right of repeal, than she would occupy if the damages and benefits had been specified and could lawfully have been specified in the ordinance itself. In each case the city would reach precisely the same point in the execution of her purpose, and would to the same extent affect the rights of property holders; and if the specification of the benefits and damages in the ordinance would not have made it originally a contract with the property holders, which I think is clear, than their ascertainment under the provision of the ordinance, will not now convert it into a contract. In either case such ascertainment is but a preliminary step taken by the city itself, and does not create or constitute a contract with anybody, that she will go on to make the improvement. This conclusion is sustained by the decision of the Court of Appeals in the case of *Graff vs. The Mayor and City Council*, 10 Maryland Reports, 544. The inquisition of the jury, as I have already said, merely fixed the several items of damage and benefit, and the confirmation of it by the Criminal Court did nothing more. That Court did not render and had no power to render any judgment for the payment of damages or benefits against the city or the property holder. Its jurisdiction in the matter was appellate, and its power under the act of 1838 and the ordinance of 1850, was simply to correct the list of damages and benefits as returned in the book of proceedings of the Commissioners, and to certify the corrected list in the same book, to the Register of the city. Such a proceeding of the Court can have no greater effect in vesting rights or imposing obligations than the original proceeding which it corrected. It finally settles the list of damages and benefits, but does not meddle with the right to receive or the obligation to pay them.

But it appears that a small portion of the benefits assessed in this case have been paid, and it is questioned whether those who have paid them, have not thereby acquired vested rights in and under the ordinance which forbid its repeal. Of course in the

event of its repeal, benefits which have been thus received should be promptly returned, but that, I think, is the extent of the city's obligation. These benefits are but a species of tax ; a tax which the city had a right to impose either on all the assessable property within its limits, or on that which would be more immediately benefitted by the proposed improvement. It has deemed the latter course most just and has adopted it, but still the benefits are a tax, imposed by a public municipal corporation, for a public purpose. It would be inconsistent with the nature and objects of such a corporation, acting as a part of the State government, to hold, that the collection by it of such a tax conferred rights or created contracts which would bind it to carry out, no matter how injurious to the public welfare the purpose for which the tax was originally imposed. The public interest forbids this, and the protection of the tax payer does not require it. He is sufficiently protected by holding that the corporation cannot appropriate his money to any other purpose than that originally proposed, and is bound to return it to him, if that purpose should be abandoned.

The next inquiry is, whether the city is bound, and if so, to what extent, to those property holders who have had damages allowed to them. Under the decision of the Court of Appeals in the case of Graff, already referred to, it seems to be clear, that the inquisition of the Jury and its confirmation by the Criminal Court impose no obligation on the city, even to take and pay for property condemned, much less to go on with the proposed improvements. But it is supposed that the assignments of damages, which have been made by two of the property holders, who were assessed both for benefits and damages, are to be regarded as actual payments of benefits on the one hand and damages on the other ; and that the action of the city officers in receiving them, binds the city to use and pay for the condemned property of the assignors. I will refer very briefly to some of the considerations for and against this proposition, before I state the conclusion at which I have arrived.

The 5th Section of Ordinance No. 17 of 1850, under which these assignments are made, authorizes them only in cases where damages are allowed and benefits are assessed to the same person ; and it provides that from such persons, it shall and may be lawful for the Register or Collector to receive them. While one effect of these provisions is to promote the convenience of the city, by relieving it from the necessity of collecting money which it would have to pay back to those from whom it was received, their principal object seems to be, the protection of the property owner against the injustice and hardship of being compelled to pay money to the Collector, which afterwards, and before the city could take or use his property, would necessarily

be repaid to him. For this purpose the power is given to him, at his own will and pleasure, and without being subject to the discretion of the Register or Collector, to assign his damages to the city; and the moment he does so, he is secure from the hardship against which the ordinance meant to protect him. Looking to these objects of the 5th Section, as well as to its language, the only obligation which would seem to be fairly deducible from it, against the city, is an obligation not to demand or collect from the property owner the benefits assessed against him, to the extent of the damages which he has assigned. In support of this construction, it may also be added that, under the decision of the Court of Appeals before referred to, the right of the property holder to receive damages is, at the time of the assignment, dependent on the determination of the city to go on with the opening of the street and to use his property, and that therefore these assignments of damages may as well be considered as made subject to that right of determination on the part of the city, as in derogation and destruction of it.

On the other hand it is clear, that the effect of an assignment of damages is to give the city the immediate right to enter upon and use the property of the citizen, without paying him a dollar in money if he has assigned his whole damages, or upon the payment of the balance that may remain due, where he has assigned only a part thereof. This right is acquired by the city after a formal condemnation and valuation of the property, and in the regular course of proceeding marked out by the ordinance for the consummation of the opening of the street. The assignment is made absolutely, and is received without any stipulation that its effect is to be dependent on the determination of the city to go on with the proposed improvement; and since it operates as a payment in favor of the city so far as to give her the right to the immediate use of the condemned property, it ought also to have the effect of a payment as against the city, to the extent of imposing on her an obligation to use that property, and pay such portion, if any there be, of the damages allowed for its use as has not been covered by the assignment.

Although an assignment under the ordinance is not an actual payment in money of benefits and damages, it is an arrangement by which the one is set off against the other. It binds the property owner irrevocably, and by it he waives all right to object to the previous proceedings of the city, and consents that his property shall be used, on the terms of being paid by this set off to the extent of the damages assigned. While he is thus bound by force of this arrangement, it would be inconsistent with justice and with the principle of mutuality, which lies at the foundation of all agreements, to hold that the city, who is the other party to the arrangement, incurs no corresponding obligation.

In view of these considerations, and of others with which I do not deem it necessary to weary the City Council, I have with some difficulty arrived at the conclusion, that the acceptance of an assignment of damages under the ordinance of 1850 constitutes an agreement on the part of the city to use the property of the assignor, and to pay for that use the damages which have been allowed, on the terms of setting off benefits against damages, so far as the latter have been assigned.

Of course the city cannot, by repealing the ordinance of 1858, cancel this agreement, and the question then presents itself, what will be the consequence if she refuses to fulfill it? Will a mandamus lie, in the two instances in which assignments have been made, to compel the city to pay the whole valuation of damages, or such part thereof as has not been assigned? I think not. The Court of Appeals has decided in Graff's case that the inquisition and its confirmation impose no obligation on the city to take and pay for the condemned property, and consequently they create no duty, to enforce the performance of which a mandamus can issue. The city is bound, if bound, at all, only by the contract which is implied against her from the acceptance of the assignments, and the inquisition, while it may be resorted to for the purpose, of ascertaining the property to be used and the damages to be paid for it, does not itself constitute a cause of action, or call for the application of any remedy. For the enforcement of this implied contract, the extraordinary proceeding by mandamus cannot be successfully invoked, and, in my judgment, the appropriate and efficient remedy for the breach of such a contract, is an action for the recovery of the damages which its breach has occasioned.

What are those damages? For any loss of the rent or of the use of the property, or other similar loss, shewn to have necessarily resulted from the city's agreement to take the property, the property holder would be clearly entitled to recover, but beyond this, I think his damages would be merely nominal. The inquisition of the jury and his subsequent agreement, have ascertained finally and conclusively, as between him and the city, the amount of benefits he will derive from the opening of the proposed street, and of the damages he will sustain by the use of his property for that purpose. If the city does use it, she is to pay him precisely the amount of damage which it has been conclusively ascertained he will suffer, and nothing more or less. She is to indemnify him for the injury he sustains; and as he makes no profit if his property is used, he suffers no loss if it is not used. He cannot now be heard to say that the damages allowed to him were exaggerated and gave him a profitable bargain instead of an indemnity for the use of his property, and that he is entitled to recover for the loss of that bargain. He is estopped

from denying that the damages allowed to him are the precise and correct measure of the injury he would receive by the use of his property for the street, and this being so, it is obvious that he gains nothing by the use of his property, and loses nothing if it is not used. If I am wrong in this view, then the amount of damages to be recovered must depend very much on the question, whether a just and correct valuation of damages has been made in the proceedings for the condemnation of the property. If the valuation has given the property owner a fair indemnity only, for that which was to be taken from him, and not a profitable bargain, he will not sustain and therefore cannot recover substantial damages, in consequence of the city's refusal to use his property. If, on the other hand, the valuation of damages is largely above, the actual injury which would be occasioned by the use of the property, then the difference between the valuation, by which the city is bound, and the actual injury which would in fact have resulted from the use of the property, may furnish ground for the recovery of substantial damages. But in my opinion, a claim for damages on this ground, cannot, as I have already stated, be sustained. The true theory upon which the ordinance of 1850 proceeds is, that the property holder to whom damages are allowed shall be indemnified merely for the injury he may sustain; and it is difficult to perceive how the non-performance of an agreement, which, if performed, would legally and properly only inflict an injury on the property holder and indemnify him for that injury, can be made the foundation for the recovery of serious damages.

If these assignments of damages and their acceptance by the city are to be taken as in all respects cash payments of benefits and damages, then it follows that one of the two property holders, who have made assignments in the proceeding for the opening of Holliday street, has been paid in full, and the other has been paid a much larger sum than he can possibly lose by having his property left on his hands; and it also follows, that these two property holders have paid benefits to the amount of the damages which they have assigned. The question then arises whether they are entitled to have these benefits repaid to them in money, if the opening of the street is abandoned. I think not. If the city has paid a certain sum to the property owner for damages to be caused by the opening of a street, and he has paid to the city a like sum for benefits to be caused by the opening of the same street, and the proposed improvement is afterwards abandoned; the abandonment will be a profit to him in reference to the damages, precisely to the same extent that it will be a loss to him as it regards the benefits, and will in my judgment give him no right to recover back what he has paid, without accounting for that which he has received. If the

abandonment involves the violation of any agreement between the city and himself, he can recover the damages he has suffered thereby, but he can not successfully ask a Court to imply an obligation on the part of the city to return the money paid by him for benefits not conferred, while he retains a like sum received by him in the same transaction for damages not sustained. If the assignments can be regarded, not as payments of benefits and damages in money, but as a mere set off of one against the other, it would seem to be still more clear that such a proceeding can not give the property holder a claim for a return of benefits, when, by the abandonment of the proposed improvement, benefits and damages have become alike unreal.

There is next to be considered a class of contracts, growing out of sales made by the Commissioners for Opening Streets, in the discharge of their duties under the ordinance of 1850; and the question presents itself, how far the city will violate these contracts and be liable for damages if the ordinance of 1858 is repealed. The Commissioners are required by the 7th Section of the Ordinance No. 17 of 1850, "before they shall proceed to assess the amount of damages and benefits," to sell at public auction the materials of any house which it will be necessary to remove, and the residue of any lot of ground of which a part only is required for the proposed street, and for the whole of which compensation is demanded by the owner. Under this section, the Commissioners, as I am informed, sold in January, 1859, materials and lots of ground, amounting in the total of sales to about \$15,000, and took bonds from the purchasers, as required by the ordinance, conditioned for the payment of the price, "on the day that the Commissioners are prepared to deliver to them the possession" of the materials and property purchased. These auction sales are held at a time when the city has acquired no title to the property, and are made for the purpose of ascertaining what amount of damages can thus be met, and what amount must be provided for by assessment; they are made, too, upon the understanding that the purchasers are to become liable for the payment of the amounts bid by them only when the Commissioners are prepared to give them possession, and no time is fixed or intimated when the possession is to be given. The purchasers know that the city expects to acquire title to the property by condemning it for the purpose of opening a street, and they are presumed to know that she has a right to abandon that purpose. For these reasons, I think these sales may properly be considered as conditional, and as not binding the city absolutely to the delivery of the property. They will therefore furnish no ground of action against her, if the proposed improvement be abandoned. It is proper to add, that if this view of them is erroneous, then, if the ordinance of

1858 for the opening of Holliday street is repealed, each purchaser will be entitled to recover of the city the damages he may sustain by the loss of his bargain. If the prices obtained at these auction sales were the fair market values of the materials and property as they stood, these damages will be trifling; but if the prices were much below the market values, there will be ground for the recovery of substantial damages.

I proceed next to consider, very briefly, the question of the city's liability for damages, claimed not on the ground of breach of contract, express or implied, but as resulting to property holders from the action of the Mayor and City Council in the matter of opening Holliday street. It is clear, I think, that the city is not liable in damages for losses occasioned by the sale, or purchase, or leasing of property on the line of the proposed street, or by the purchase of materials with a view to build thereon, or by any acts of the property holders themselves, although those acts may have been induced by the action of the city authorities in the premises. For damages resulting from the diminished renting value of condemned property, directly caused by the impending improvement, I think any private corporation, or the city of Baltimore, if the matter in which she was acting concerned her private interests only, would certainly be responsible. But in this case the city has acted as a public corporation, in a public matter, and in good faith, and is, therefore, in my judgment, not liable for these damages. It is manifest however, that they constitute a claim, the equity of which cannot well be questioned.

I have now considered all the matters which have occurred to me, as properly falling within the scope of the resolution of the City Council. I have not referred to the fact that the city is the owner of a portion of the property assessed for benefits, because I do not think that fact can have any effect upon rights belonging to her as a public corporation.

By way of recapitulation I will state the following, as the principal conclusions at which I have arrived, in considering the matters suggested by the resolution of the City Council:

1st. That the Mayor and City Council have the power to repeal the ordinance of 1858 for the widening and extending of Holliday street.

2d. That the receipt by the city from some of the property holders, of the benefits assessed to them, creates no contract on her part to go on with the proposed improvement, and only imposes on her the duty of returning what she has received, if the improvement should be abandoned.

3d. That an assignment of damages by the property owner and its acceptance by the city, constitute an agreement on her part to use the condemned property of the assignor and to pay

for that use the damages allowed, setting off the benefits against the damages in so far as the latter have been assigned.

4th. That this agreement will be violated by the repeal of the ordinance for the widening and extending of Holliday street, and that the city will be responsible to the property owner for the damages he may sustain by reason of this violation; and that these damages ought, in my judgment, to be limited to the loss of the rent or of the use of the condemned property, or other losses of the same character, which may result to the property owner in consequence of the city's agreement.

5th. That an assignment of damages by the property holder, in so far as it covers benefits assessed against him, will not give him the right to have those benefits paid to him in money in the event of the repeal of the ordinance.

6th. That the contracts for the sale of "materials and the residues of lots," made by the Commissioners, may be regarded as conditional, and will not be violated by the abandonment of the proposed improvement.

7th. That the city having acted in good faith and without malice in her proceedings in this matter, is not legally responsible for damages which may result from her action to those with whom she has entered into no contract.

As this opinion is for the use of the City Council, I think it right to add, what it would be superfluous to mention, if the opinion was intended for yourself only, that the questions involved in this inquiry are full of difficulty and doubt, and that the conclusions at which I have arrived ought to be taken with that qualification.

With great respect and regard,

Your ob't serv't,

I. NEVETT STEELE.

On motion of Mr. Bolgiano, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following resolutions were presented to the Mayor on the 9th instant:

Resolution authorizing M. C. Smith to erect a frame shed and office on the east pier of Light street wharf.

Resolution granting permission to Barrack & Phillips to use the building on the corner of Fremont and Ramsey streets as a sale and livery stable.

Resolution authorizing Henry Travers to extend his platform or pier at the foot of Camden street.

Resolution directing the City Commissioners to have repaired the pump on Preston street, near Ross street.

Resolution directing the City Commissioners to make certain improvements in Eutaw square.

Resolution granting permission to William S. Lambdin to erect a frame building on his premises No. 49 S. Ann street.

Resolution granting permission to Thomas W. Morse to raise a story of brick on his house No. 127 N. Eden street.

Resolution granting permission to William A. King to erect a frame summer kitchen on his premises No. 345 E. Monument street.

Thursday, March 21st, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members except Mr. Phelps.

Mr. Brown presented the petition of Patrick Reney and others, asking the passage of an ordinance to direct the refunding of certain taxes on licenses paid by them for the use of the City of Baltimore, which was referred to the joint standing committee on Ways and Means.

Mr. Blanchard presented the petition of D. C. H. Emory, praying compensation for damage to certain wharf property, which was referred to the joint standing committee on Claims.

Mr. Dixon presented the petition of William S. Rinner & Sons and others, asking an appropriation to ring the Mechanics' bell in South Baltimore, which was referred to the joint standing committee on Ways and Means.

Mr. Tegmeyer presented the petition of Henry Knell and others, asking for certain improvements in Latayette Square, which was referred to the joint standing committee on City Property.

Mr. Bolgiano presented a communication from Frederick Roloson, stating the price at which he would sell his Paradise farm to the city as a site for an Almshouse, which was referred to the joint standing committee on the Almshouse.

Mr. Dixon presented the petition of Francis McAvoy and others, relating to a communication between Fells Point and Locust Point by means of a steam ferry boat, which was referred to the joint standing committee on Highways.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom was referred the petition of A. W. Colburn, M. D., praying to be paid a certain sum for surgical attendance rendered to J. B. Richardson, beg leave to report, that after examination of the subject they cannot recommend that the prayer of the petition be granted. They submit the following resolution:

E. WYATT BLANCHARD,
JOHN J. STAYLOR,
JOHN BOLGIANO,

First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the committee on Claims be discharged from the further consideration of the petition of Dr. A. W. Colburn,

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom were referred the petition of Alois Raumft, asking compensation for the destruction of his property by violence, submit the following report: The committee have received the statements of reliable persons who were eye witnesses of the occurrence, and find that a large body of men, many of whom were armed, attacked the house of the petitioner, broke open the door and destroyed various articles of furniture and other property belonging to the petitioner; they recommend the adoption of the following resolution:

E. WYATT BLANCHARD,
JOHN J. STAYLOR,
JOHN BOLGIANO,

First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby directed to pay to Alois Raumft, out of any money in the City Treasury not otherwise appropriated, the sum of one hundred dollars.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the resolution dated the 30th January, 1861, relative to the condition of the Ferry road, or Light street, from the end of the present pavement to the Ferry Bar, would respectfully report that they have examined the said road between the points

designated, and find the same in bad condition. They would, therefore, offer the following resolution :

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby directed to have a gutter paved on the east side of Ferry road, from the end of the present pavement to the south gutter of McComas street, and the centre of Ferry road filled up and regulated, and draw on the Register, with the approbation of the Mayor, for the sum of three hundred dollars, or so much thereof as may be necessary to defray the expense thereof, said amount to be taken out of the appropriation for the repairs of Highways.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Thomas offered the following resolution, which was read and laid on the table :

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby directed to examine the Draw Bridge at the mouth of Jones' Falls, and ascertain the probable cost required to put the bridge in good order and report to this Branch as soon as convenient.

The Second Branch returned the resolution directing the City Commissioners to change the gutters of Townsend street, at Walsh street, so that the water will flow down Walsh street, the resolution granting permission to M. Hamalt and Anthony J. Schroeder to retain in use the frame sheds in the rear of and attached to their respective house, Nos. 140 and 142 on Washington street, and requiring them to remove forthwith the wooden building in the rear of said premises now used as a spice mill, the resolution granting permission to John L. Chapman to erect a kiln for the purpose of burning oyster shells, on the corner of Lancaster and Eden streets, the resolution discharg-

ing the joint standing committee on the Fire Department from the further consideration of the petition of George Horst, the resolution giving permission to Margaret Kiernan to erect a frame shed on her premises No. 248 West Franklin street, the resolution granting permission to E. H. Frazier to use and occupy one-third part of Thames street, in front of his property, for the purpose of repairing boilers, &c., until the 1st day of July, 1861, the resolution directing the City Commissioners to have drops placed in the openings leading into the sewer on Charles street, at the intersections of Balderston and Charles streets and Uhler's alley, or such other contrivance as will in their judgment best prevent the escape of foul air from the said openings, the resolution granting permission to Joseph Reynolds to erect a steam engine not exceeding twenty-five horse power on his premises, No. 12 South Balderston street, and the resolution granting permission to E. A. Abbott to erect a small frame improvement in the rear of his dwelling No. 113 South High street, severally endorsed "concurred in."

The Second Branch returned the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to provide for the appointment of Superintendents of Streets, and to prescribe their duties,' approved 31st May, 1858," endorsed "passed."

Mr. Bandel offered the following resolution, which was read and laid on the table :

Whereas, by resolution approved December 9, 1858, it is directed that all the Heads of Departments of the City Government shall have all printing connected with their several bureaus done by the City Printer; and whereas, circumstances have shown that the Printer for the Corporation cannot have all this work accomplished in proper time for the information of the Council; and whereas, it is important that the Annual Reports of the several Departments should be laid before the Municipal Legislature at the earliest moment after their annual meeting—therefore

Resolved by the Mayor and City Council of Baltimore, That the resolution entitled "Resolution in reference to the City Printing," approved December 9, 1858, be and the same is hereby repealed, and that the Register of the city, in making the next contract for the printing for the Corporation, exempt all the reports and other printing of the Heads of Departments from the said contract.

Mr. Brown called up the resolution directing the City Commissioners to alter the offices of the Collector, Auditor and Appeal Tax Court, and furnish them to suit the convenience of the officers of said departments, and also to build a vault in connection with said offices in accordance with the specifications stated in their communication to this Branch, provided the expenses shall not exceed twenty-five hundred dollars, which was read.

Mr. Drakeley moved to amend the resolution by striking out the words "twenty-five hundred" in the line next to the last, and inserting in lieu thereof the words "two thousand," which was determined in the affirmative.

On motion of Mr. Crout, the resolution was laid on the table.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail, to whom was referred the petition of V. Foreman and others, for gas lamps, respectfully submit the following resolution :

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to have gas lamps erected on Townsend street near Walsh, and on Walsh near Townsend street, the expense of the same to be defrayed out of the annual appropriation for new lamps and pillars for 1861.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail, to whom was referred a resolution for the erection of a gas lamp on the corner of Hamilton and Little Courtland streets, have had the same under consideration, and would recommend its adoption with a slight verbal amendment as follows.

H. H. CHASE,
THOS. J. BROWN,
First Branch.

WM. DEAN,
F. W. ALRICKS,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to have a gas lamp placed on the northwest corner of Hamilton and Little Courtland streets, the expense of the same to be defrayed out of the annual appropriation for new lamps and pillars for 1861.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail to whom was referred the petitions for laying Gas Mains on Little McElderry street, from Aisquith street to Bel Air market Space, on Fayette, from Aisquith to Canal street, and on East Falls Avenue, from Granby to Canton Avenue, and on the west side of Central Avenue, from Lombard street to Canton Avenue, and on Pearl street, between Franklin and Mulberry street, beg leave to submit the following resolution :

H. H. CHASE,
THOS. J. BROWN,
First Branch.

WM. DEAN,
F. W. ALRICKS,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby directed to have Gas Mains laid along Little McElderry street, from Aisquith to Bel Air Market, Fayette, from Aisquith to Canal street, East Falls Avenue, from Granby to Canton Avenue, and on the west side of Central Avenue, from Lombard to Canton Avenue, on Pearl street, between Franklin and Mulberry, in accordance with the provisions of Ordinance No. 70, approved May 3d, 1859.

On motion of Mr. Chase, the resolution was read a second time, and adopted.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report, and an ordinance entitled "An ordinance providing for the appointment of a keeper of refuse material belonging to the corporation," which were read :

The joint standing committee on Ways and Means, to whom was referred the accompanying ordinance, received in the First Branch from the Second Branch, entitled an ordinance for the appointment of a keeper of refuse material belonging to the city, respectfully recommend the passage of the ordinance.

J. S. NICHOLAS,

H. W. DRAKELEY,

First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,

Second Branch.

On motion of Mr. Nicholas, the ordinance was read a second time, by special order.

On motion of Mr. Bolgiano, the ordinance was laid on the table.

Mr. Thomas offered the following resolution, which was read and referred to the joint standing committee on Water :

Resolved by the Mayor and City Council of Baltimore, That the Water Board be, and they are hereby authorized and directed to erect one of the large iron fire plugs at the corner of

Fayette and Aisquith streets, one at the corner of Aisquith and Gay, and also one at the corner of Aisquith and Orleans streets, the expense for the same to be taken out of the appropriation for Fire Plugs for 1861.

Mr. Wolf offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby instructed to repair the roofs of the Broadway Market Houses, and the house appropriated for the use of the Market Master, so as to place them in a condition to prevent leakage in time of rain ; and for said purpose the sum of twenty-five dollars, or so much thereof as may be necessary, is hereby appropriated out of the appropriation for Markets for 1861.

On motion of Mr. Wolf, the resolution was read a second time, by special order, and adopted.

Mr. Bandel presented a communication from the Board of Commissioners of Public Schools, enclosing a resolution adopted by said Board recommending to the City Council the passage of a resolution to authorize said Board to employ its own printer, which was read and laid on the table.

Mr. Staylor called up the resolution granting permission to H. Abbott & Son to erect one or more steam engines, for the purpose of manufacturing iron in their mill, about being erected on the corner of Hudson and Cannon streets, Canton, which was read and concurred in.

Mr. Staylor called up the resolution granting permission to William H. Fowler to raise one story on each of two frame back buildings, Nos. 285 and 287 Columbia street, between Scott and Poppleton streets, provided the chimney jams be carried up to the eaves of the houses, which was read and concurred in.

Mr. Nicholas called up the ordinance entitled "An ordinance providing for the prompt collection of taxes on personal property levied by the State and city," which was read.

Mr. Nicholas moved to fill up the first blank, in the third line of the first section, with the word "fifteenth," which was determined in the affirmative.

Mr. Nicholas moved to fill up the second blank, in the same line, with the words "April, eighteen hundred and sixty-one," which was determined in the affirmative.

Mr. Yeisley moved to amend the ordinance by striking out the word "September," in the fourth line of the second section, and inserting in lieu thereof the word "October," which was determined in the affirmative.

The question recurring on the passage of the ordinance, as amended, the same was passed.

Mr. Staylor called up the ordinance entitled "An ordinance supplementary to an ordinance to regulate the several markets in the city of Baltimore," which was read.

Mr. Bolgiano moved to amend the ordinance by adding the following section, to be styled section 2:

Sec. 2. And be it enacted and ordained, that hereafter no person or persons shall be allowed to travel up and down the several markets, or any of the streets within the market bounds, selling any kinds of merchandise.

which was determined in the negative by the following vote, the yeas and nays being required by Mr. Bolgiano:

Yeas—Messrs. Wolf, Bolgiano, Allen, Chase—4.

Nays—Messrs. President, Yeisley, Myers, Bouldin, Thomas, Staylor, Brown, Nicholas, Blanchard, Drakeley, Dixon, Hay, Tegmeyer, Crout—14.

The question recurring on the passage of the ordinance, the same was passed.

Mr. Blanchard gave notice of his intention to ask for leave to introduce an ordinance entitled "An ordinance to provide for remitting certain fines by the Mayor."

On motion of Mr. Myers, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*.

Friday, March 22d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Wolf presented the petition of Louis B. Muhl and others, asking the passage of an ordinance to direct the refunding of certain taxes on licenses paid by them for the use of the City of Baltimore, which was referred to the joint standing committee on Claims.

Mr. Dixon presented the petition of Christian Bitter and others, asking the passage of an ordinance to direct the refunding of certain taxes on licenses paid by them for the use of the City of Baltimore, which was referred to the joint standing committee on Claims.

Mr. Bouldin presented the petition of Thomas J. Cochran & Co., asking permission to reconstruct a frame Ice house at the mouth of Union Dock, which was referred to the joint standing committee on the Fire Department.

Mr. Blanchard presented the petition of Mary Ridgely, asking to have paid to her certain money deposited in the city treasury by Josiah Cobb, which was referred to the joint standing committee on Claims.

Mr. Chase presented the remonstrance of William A. Dunington against the leasing by the city of the wharf at the foot of Hughes street, which was referred to the joint standing committee on the Harbor.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and resolution, which were read :

The joint standing committee on Ways and Means, to whom was referred the petition of George Wagner, Keeper of the Eastern Fountain, praying for an increase of salary, have considered the same and find the compensation now paid to that officer greater than the sum allowed by the city to others for service

not materially greater, and therefore submit the following resolution to the Council for adoption :

J. S. NICHOLAS,

H. W. DRAKELEY,

First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,

Second Branch.

Resolved by both Branches of the City Council, That the joint standing committee on Ways and Means are hereby discharged from the further consideration of the said petition.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the petitions of sundry persons asking to have gas lamps placed at sundry places, after having examined the same would respectfully report the following resolution :

OWEN BOULDIN,

JESSE HAY,

SOLOMON ALLEN,

First Branch.

ASA HIGGINS,

JESSE MARDEN,

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby authorized and directed to have gas lamps placed at the following named places, viz : on the south side of Balderston street, between Charles and Light streets, on Charles between Balderston and Pratt, east side, on Charles street and Lombard street, on Hanover street

and Uhler's alley, on Lanvale street at the north intersection of Mason alley, on the west side of Sharp street at the African Methodist Church, and to place gas lamps in Watson street in lieu of the present oil lamps, the expense of the same to be taken out of the annual appropriation for lamps and pillars for 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the petitions of sundry persons asking that stepping stones may be placed at sundry places named in said petitions, after examining the same as designated in said petitions are of the opinion that the public convenience requires that the petitions should be granted. They, therefore, beg leave to offer the following resolution :

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JESSE MARDEN,
JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby authorized and directed to have stepping stones placed across the following streets, viz : across Chester at Gough street, Chester at Bank, across Chester at Eastern avenue, and across William street at Hamburg street, the expense of the same to be taken out of the annual appropriation for flag and stepping stones for 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the petitions of sundry persons asking that flag stones may be placed at sundry streets and alleys, beg leave to report that they have examined the several places as designated in said petitions and are of the opinion that the petitions should be granted, they therefore offer the following resolution :

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

ASA HIGGINS,
JESSE MARDEN,
JOSEPH ROBB,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby authorized and directed to have flag stones placed across the several streets and alleys to wit: across East Baltimore street opposite the new Universalist Church, across East Baltimore street on the west side of Durham street, across East Lombard street at Wolf street, across Lombard street west side of Chapel street, across Chester street at Gough street, across Chester at Bank street, across Chester street at Eastern avenue, across Eastern avenue at Chester street, across Eastern avenue at Castle alley, across Washington street and Eastern avenue, across Gilmor and Saratoga streets, across Townsend and Walsh streets, across Little Paca and Conway streets, across Mason alley on Lanvale street, and across Johnson at Cross street, the expense of the same to be taken out of the appropriation for flag and stepping stones for 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom were referred the petitions of Henry Orndorf, of John G. Borcharding, of McCoull & Slater, of William Vanlill, and of Margaret Olvis,

praying the refunding of taxes paid in error, submit the following resolution:

E. WYATT BLANCHARD,
JOHN BOLGIANO,
JOHN J. STAYLOR,

First Branch.

DECATUR H. MILLER,
JAS. B. GEORGE, Sr.,
JOSEPH ROBB,

Second Branch.

Resolved by both Branches of the City Council, That the petitions of Henry Orndorf, John G. Borcharding, McCoull & Slater, William Vanlill, and Margaret Olvis, praying the refunding of taxes paid in error, be and they are hereby referred to the Appeal Tax Court, and the Comptroller is hereby authorized and directed to pay to each of the petitioners such sum as the said Appeal Tax Court shall certify to be due.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution discharging the joint standing committee on Ways and Means from the further consideration of the petition of Cockey & Co. and others, and the resolution appropriating the sum of two hundred dollars to alter and regulate the gutter on Liberty street, between the north side of Fayette street and the southermost line of James McCurley's lot, and to repave the east and west sides of said Liberty street, or so much thereof as may be necessary to keep the flow of water in said gutter, and to change the position of the stepping stones across Liberty street, severally endorsed "concurred in."

A report from the joint standing committee on the Fire Department, with a resolution granting permission to William Trego to erect and use a steam engine on his premises on Great Hughes street, was received from the Second Branch and read.

On motion of Mr. Staylor, the resolution was read a second time, by special order.

Mr. Wolf moved to amend the resolution by striking out, in the last line, the words "and City Council of Baltimore," which was determined in the affirmative.

The question recurring on concurring in the resolution, as amended, it was determined in the affirmative.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, March 22d, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon, at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Bouldin, the proposition contained in the resolution was concurred in.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read :

The joint standing committee on the Fire Department, to whom was referred the petition of George Stromberger and others, asking for the erection of a steam fire plug at the Belair fish market, have examined the locality and are of the opinion that the property in the neighborhood is endangered by the sparse supply of water, and that the prayer of the petitioners should be granted; they therefore beg leave to offer the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,
ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be and he is hereby authorized and directed to have a steam fire plug placed at the head of the Belair fish market, the amount to be provided for in the appropriation for fire plugs for 1861.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Bandel called up the resolution directing the City Commissioners to alter the offices of the Collector, Auditor and Appeal Tax Court, and furnish them to suit the convenience of the officers of said departments, and also to build a vault in connection with said offices in accordance with the specifications stated in their communication to this Branch, provided the expenses shall not exceed two thousand dollars.

Mr. Nicholas moved to strike out the words "two thousand" in the last line, and insert in lieu thereof the words "nine hundred."

Mr. Blanchard offered the following as a substitute for the resolution :

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby authorized to make the necessary repairs and alterations in the offices of the Appeal Tax Court, Auditor and City Collector, at a cost not exceeding five hundred dollars, and that they erect a fire proof vault for the use of the City Collector at a cost not exceeding six hundred dollars, the expense of the same to be provided for in the levy for 1861.

The question being taken on the substitute, it was determined in the negative by the following vote, the yeas and nays being required by Mr. Bolgiano :

Yeas—Messrs. President, Bandel, Bolgiano, Staylor, Brown, Blanchard and Hay—7.

Nays — Messrs. Yeisley, Wolf, Myers, Bouldin, Thomas, Nicholas, Phelps, Drakeley, Allen, Chase, Dixon, Tegmeyer, and Crout—13.

The question recurring on the motion of Mr. Nicholas, it was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Bandel offered the following resolution, which was read :

Resolved, That the clerk of this Branch be authorized to withdraw from the files a petition offered at the last session in favor of James Pouder and others, in reference to the rail road track on Howard street, and return the same to the said James Pouder.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Bouldin moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Bouldin and Crout, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Blanchard asked and obtained leave to introduce an ordinance entitled "An ordinance to provide for remitting certain fines by the Mayor," which was read and laid on the table.

Mr. Bandel gave notice of his intention to ask for leave to introduce an ordinance entitled "An ordinance to provide for the erection of a Male Central High School building for the City of Baltimore," also an ordinance entitled "An ordinance repealing ordinance No. 67 of ordinances of 1860, entitled "An ordinance providing for the erection of a New City Hall and the permanent investment of the McDonogh Educational Fund," approved July 23d, 1860."

Mr. Brown called up the resolution granting leave to R. H. Moale to withdraw his petition, and discharging the joint standing committee on Water from the further consideration of the same, which was read and adopted.

Mr. Bandel moved that a message be sent to the Second Branch proposing, with their concurrence, the appointment of a joint select committee to whom shall be referred the matter of the public printing, which was determined in the affirmative.

Mr. Bolgiano called up the resolution discharging the joint standing committee on Markets from the further consideration of the petition of Alexander Gould and others, which was read and adopted.

Mr. Bolgiano called up the resolution discharging the joint standing committee on Markets from the further consideration of the petition of Henry Rieman and others, which was read and adopted.

Mr. Thomas called up the resolution directing the City Commissioners to examine the drawbridge at the mouth of Jones' Falls, and ascertain the probable cost required to put the same in good order, which was read and adopted.

On motion of Mr. Crout, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

APPROPRIATIONS.

To February 21st, 1861.....	\$20,700 00
To replacing and planting additional trees in Franklin Square	100 00
To renewing trees and improving and sodding in Eutaw Square.....	200 00
To altering gutter and stepping stones in Liberty street, near Fayette street.....	200 00
To repairing roofs of Broadway market houses.....	25 00
Total.....	<hr/> \$21,225 00

Monday, March 25th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Yeisley presented the petition of Edward Coleman, asking permission to remove a frame shop from the west side of Wolf street, between Lombard and Baltimore streets, to the north side of Baltimore street, between Wolf and Chapel streets, which was referred to the joint standing committee on the Fire Department.

Mr. Myers presented the petition of Thomas Brice, asking permission to alter and improve a frame tenement on Gough street, between Eden and Spring streets, which was referred to the joint standing committee on the Fire Department.

Mr. Myers presented the remonstrance of Thomas P. Marmor and others, against leasing the wharf at the foot of Hughes street to the Ferry Company, which was referred to the joint standing committee on the Harbor.

Mr. Bandel presented the memorial of the Mechanics and Workingmen's Association, asking aid from the city for persons now out of employment, which was referred to the joint standing committee on Ways and Means.

Mr. Staylor presented the remonstrance of Margaret Shaney, against the passage of an ordinance relative to the Centre Fish Market, which was read and laid on the table.

Mr. Brown presented the petition of William Rodgers in relation to the Centre Fish Market, which was read and laid on the table.

Mr. Dixon presented the petition of Lewis Jones and others, relative to the Centre Fish Market, which was read and laid on the table.

Mr. Staylor presented a communication from Edward Jenkins offering to sell to the city as a site for an Almshouse, a tract of land adjoining the village of Franklin, which was referred to the joint standing committee on the Almshouse.

Mr. Staylor presented the petition of A. J. McKinzie and others, asking that the City Passenger Railway Association may be allowed to run their cars on Sunday, which was referred to the joint select committee on the City Passenger Railway Association.

Mr. Staylor presented the petition of Francis H. Grupy, asking permission to re-use his platform in front of his store on South Calvert street, for the purpose of shipping merchandise, &c., which was referred to the joint standing committee on Highways.

Mr. Nicholas presented the petition of B. M. Heighe and others, asking to have a gas lamp placed at the intersection of Little Pleasant street and College alley, which was referred to the joint standing committee on Police and Jail.

Mr. Chase presented the memorial of Mann & Co., asking the passage of a resolution releasing them from the payment of certain charges for the use of the dredging machine belonging to the city, which was referred to the joint standing committee on the Harbor.

Mr. Phelps, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

The joint standing committee on Police and Jail, to which was referred the petition of John W. Loane and others, for certain lamps, report the following resolution.

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to cause a gas lamp to be erected on McCullough street, north of Townsend, and also at the intersection of Mosher and Ross streets, the cost of the same to be taken out of the appropriation or lamps and pillars for 1861.

On motion of Mr. Phelps, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be and he is hereby directed to have water mains laid on Eastern Avenue, from President street to East Falls Avenue, and from East Falls Avenue to Canton Avenue, and also to have a fire plug placed on the corner of President street and Eastern Avenue, in the place of an old and useless one now there, and also a fire plug placed on the corner of East Falls Avenue and Canton Avenue.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

The President offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby required to have a gas lamp placed at the south-west corner of Pearl street and Chesnut alley, the expense thereof to be taken out of the annual appropriation for lamps and pillars for the year 1861.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and resolution, which were read :

The joint standing Committee on Ways and Means, to whom was referred the petition of Patrick Reney and others, praying for the refunding of certain taxes paid on licenses, have had the same under consideration, and respectfully report the following resolution for adoption.

J. S. NICHOLAS,

H. W. DRAKELEY,

First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the joint standing Committee on Ways and Means are hereby directed to lay the petition referred to them, of Patrick Reney and others, praying for the refunding of certain taxes on licenses, before the City Counsellor, and to obtain his opinion upon the legality of the claim preferred in said petition, and of the authority of the Mayor and City Council to collect taxes in similar cases.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard, from the joint standing committee on City Property, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on City Property, to whom was referred a resolution directing them "to examine into the condition of the Marine Hospital, and to examine the lot lately purchased as a site for a new Marine Hospital," respectfully report, that it is necessary for the preservation of the existing building from decay, that the roof should be repaired, and some parts of it renewed. Thorough repair of the wood-work of the building and re-painting is also necessary. The committee visited the new site, which seems far preferable to the present one, but they cannot recommend that a new Hospital should be erected during the present year. They recommend the adoption of the following resolution:

E. WYATT BLANCHARD,

GEO. S. BANDEL,

THOS. J. BROWN,

First Branch.

JAS. B. GEORGE, Sr.,

WM. DEAN,

WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and required to have the Marine Hospital and adjoining buildings repaired, at a cost not exceeding five hundred dollars, the expense of the same to be provided for in the annual levy for 1861.

Mr. Blanchard called up the resolution discharging the joint standing committee on Claims from the further consideration of the petition of Elnathan Lincoln, which was read and adopted.

Mr. Brown called up the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance relating to the Baltimore Water Board and the work under their care,'" which was read and rejected.

Mr. Bolgiano called up the ordinance entitled "An ordinance providing for the appointment of a Keeper of Refuse Material belonging to the Corporation," which was read.

Mr. Myers moved to amend the ordinance by striking out the word "fifteen" in the eighteenth line, and inserting in lieu thereof the word "ten," which was determined in the affirmative.

Mr. Myers moved to further amend the ordinance by striking out the word "ten" in the nineteenth line, and inserting in lieu thereof the word "five," which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by striking out the word "quarterly" in the fifteenth line, and inserting in lieu thereof the word "monthly," which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by striking out the words "one thousand" in the twenty-fifth line, and inserting in lieu thereof the words "twenty-five hundred," which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by adding thereto the following sections:

Sec. 2. And be it enacted and ordained, That the Port Warden, Warden of the Jail, Overseer at Almshouse, Water Engineer, and any other person or persons having city property, in or under their charge, shall set aside by or on the first day of each month, such old metal and other material as mentioned in the first section, and hand the same over to the proper officer, taking an account thereof.

Sec. 3. And be it enacted and ordained, That all the officers named in the preceding section shall return to the Comptroller

a statement of all property handed over on the 1st January and the 1st July, as they respectively occur in each year.

Sec. 4. And be it enacted and ordained, That the Comptroller be and he is hereby directed to open an account for this special department.

which was determined in the affirmative.

The question recurring on the passage of the ordinance, as amended, the same was passed.

Mr. Chase called up the resolution directing the City Commissioners to have gas lamps placed on West Baltimore street, between Gilmore and Fulton streets, and on Lee street, between Warner and Fremont streets, which was read and adopted:

A report from the joint standing committee on Police and Jail, with a resolution granting permission to James Richardson to suspend a canvas sign from the upper part of his building, used for sail making, at the corner of Barre and Light streets, was received from the Second Branch and read.

On motion of Mr. Chase, the resolution was read a second time, by special order, and concurred in.

The Second Branch returned the resolution instructing the City Commissioners to repair the roof of the Broadway market houses, and the house appropriated for the use of the Market Master, and appropriating twenty-five dollars, or so much thereof as may be necessary, for that purpose, endorsed "concurred in."

Mr. Bandel gave notice of his intention to ask for leave to introduce an ordinance entitled "An ordinance supplementary to ordinance No. 40, of the Revised Ordinances of 1858, being the ordinance entitled 'An ordinance relating to the Public Schools,' approved June 5, 1858."

On motion of Mr. Bandel, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, March 26th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Allen presented the report of the Baltimore Southern Dispensary for the year 1860, and which contained the request on the part of the Directors that the usual appropriation may be continued, which was referred to the joint standing committee on Health.

The following communication was received from the City Commissioners, and referred to the joint standing committee on Bridges:

CITY COMMISSIONER'S OFFICE,
Baltimore, March 26th, 1861.

*To the President and Members
of the First Branch of the City Council:*

GENTLEMEN:

In answer to your resolution of 21st instant, requesting this Board to ascertain the probable cost required to put the "Draw Bridge" at Jones Falls in good order, we would most respectfully say, that after a careful examination of the condition of said bridge, we find that it would require to put it in good order and safe condition, the sum of (\$550) five hundred and fifty dollars.

With great respect,

ROBT. S. BEETLEY, *Chairman,*
Per D. C. SMITH,
Clerk to Board of City Commissioners.

The following communication was received from the Mayor:

BALTIMORE, March 23d, 1861.

*To the Honorable the
First and Second Branches of the City Council:*

GENTLEMEN:

By ordinance No. 65, 1860, the Mayor, Presidents of your respective Branches, and the President of the McDonogh Educational Fund and Institute, were directed to examine the reports,

accounts, &c., of the Agents of the McDonogh Estate, and if found reasonably correct and proper to give final receipts to said Agents.

A meeting was held in September last, and the accounts partially examined, further action was delayed to give the Agents time to obtain the accounts of the general estate since December, 1857. These accounts were forwarded from New Orleans, and presented to the Mayor and City Council on the 4th February last. The undersigned have since proceeded with the examination. Doubts were expressed as to the right of the Agents to charge commission on the interest added on the credit payments, but, upon examining the ordinance, the terms used might admit such construction as to allow commissions on the amount received. The Agents have retained in their hands \$1,666 66 as paid by authority of one of the Agents for collecting rents, &c.; the ordinance fixing the commission allows four per cent. for all expenses, including clerk hire, &c. The undersigned have requested the Agents to pay this sum to the city.

By a resolution of the Mayor and City Council, Thomas L. Emory, one of the Agents, was authorized to receive an additional compensation of one-half of one per cent. on the sales whenever the accounts were examined and approved. The Agents have been authorized to pay Mr. Emory this additional amount, which has been retained by the Agents, subject to an examination and approval of their accounts, deducting therefrom the amount paid for clerk hire, \$1,666 66.

The accounts of the general estate show an unsettled balance remaining to close up the account between the cities of New Orleans and Baltimore. The Agents have been requested to close this account at once.

It appears that there are some remnants of property unsold; these consist principally of a few scattering lots. As the Agents were appointed to sell all and every part of the real estate and personal property belong to the city of Baltimore, a full and final receipt cannot be given until the whole is sold and the Agents' accounts finally closed.

The Agents retained in their hands, in cash and notes, about \$80,000, to pay the possible expenses of the suit of New Orleans against this city for \$50,000. This suit has been decided against Baltimore for \$37,500. The agents have also been requested to pay the costs of this suit, and after paying all claims properly adjusted, to hand over the balance to the Trustees of the McDonogh Educational Fund and Institute.

GEO. WM. BROWN, *Mayor.*

JOHN W. RANDOLPH,

Pres't McDon. Ed. Fund and Inst.

Mr. Dixon offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby granted to Harman Feldkamp, to sink a well at his own expense, in front of his premises, at the corner of Light and Winder streets.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and adopted.

Mr. Bolgiano called up the resolution authorizing the Mayor, in his discretion, to grant to one or more persons the privilege of selling wrapping paper to those selling in the several markets during market hours, which was read.

Mr. Bolgiano moved to amend the resolution by striking out the words "permission to one or more" in the third line, and inserting in lieu thereof the word "to," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Bolgiano called up the ordinance entitled "An ordinance to regulate the market house at Fish Market Space, east of the Centre Market Space, and to define the limit in which scaled fish may be sold," which was read.

Mr. Staylor moved to amend the ordinance by inserting the words "and unscaled" after the word "salted" in the ninth line of the second section, which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by adding thereto the following section, to be styled section 5 :

Sec. 5. And be it enacted and ordained, That the Clerk of the market shall find and designate a place for any regular fisherman owning or hiring a boat and seine and desiring a place for the selling of his own fish caught by himself and hands.

which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, it was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Bolgiano :

Yeas—Messrs. Yeisley, Wolf, Myers, Thomas, Bandel, Bologiano, Drakeley, Allen, Chase, Hay and Crout—11.

Nays—Messrs. President, Bouldin, Staylor, Brown, Nicholas, Blanchard, Phelps, Dixon and Tegmeyer—9.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Myers moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Myers and Tegmeyer who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Blanchard, from the joint standing committee on City Property, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on City Property, to whom was referred the petition of Joseph and Edward Patterson and others, praying that the streets surrounding Patterson's Park may be graded, submit the following report. The committee cannot recommend any formal action on the subject on the part of the City Council, as the grading of streets is dependent on the application of the owners of property binding on them, and is regulated by Act of Assembly. Believing, however, that it is advisable to have the streets graded, in order to the more speedy improvement of Patterson's Park, they recommend the adoption of the following resolution.

E. WYATT BLANCHARD,
GEO. S. BANDEL,
THOS. J. BROWN,

First Branch.

JAS. B. GEORGE, Sr.,
WM. DEAN,
WM. SWINDELL,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the Mayor be requested, if in his judgment the same is advisable, to sign any application for grading the streets immediately surrounding Patterson's Park, which has been already signed by the owners of one half of the property binding on such streets.

Mr. Bolgiano offered the following resolution, which was read and laid on the table :

Resolved by the First Branch of the City Council, That the Park Commissioners be, and they are hereby respectfully requested to inform this Branch, by and at their earliest time, what improvements have been made at Druid Hill Park since its purchase, viz. in fencing, artistic grading, &c., with the respective cost of each to the present; what amount has been paid, and what amount now due, together with a statement of what force of labor, &c., is now employed, their respective titles and at what pay, and all other information that can or will elucidate the Commissioners' operations.

And be it further resolved, That the varied information asked for in first resolution, apply also to Patterson's Park.

The Second Branch returned the resolution directing the Water Engineer to have a steam fire plug placed at the head of the Bel Air Fish Market, the resolution referring the petitions of Henry Orndorf, John G. Borcharding, McCoull & Slater, Wm. Vanlill and Margaret Olvis to the Appeal Tax Court and directing the Comptroller to pay to each of the petitioners such sum as the said Appeal Tax Court shall certify to be due, the resolution directing the Comptroller to pay to Alois Raumft one hundred dollars, the resolution discharging the joint standing committee on Claims from the further consideration of the petition of Dr. A. W. Colburn, the resolution granting leave to R. H. Moale to withdraw his petition and discharging the joint standing committee on Water from the further consideration of the same, the resolution discharging the joint standing committee on Ways and Means from the further consideration of the petition of George Waggner, the resolution directing the Comptroller to have gas mains laid along Little McElderry street, from Aisquith street to Bel Air Market; Fayette, from Aisquith to Canal street; East Falls' avenue, from Granby to Canton avenue, and on the west side of Central Avenue, from Lombard to Canton avenue: and on Pearl street, between Franklin and Mulberry, in accordance with the provisions of ordinance No. 70, approved May 3d, 1859, the resolution directing the City

Commissioners to have stepping stones placed across Chester street at Gough street, across Chester at Bank, across Chester at Eastern avenue, across Williams street at Hamburg street, the resolution directing the City Commissioners to alter the offices of the Collector, Auditor and Appeal Tax Court, and furnish them to suit the convenience of the officers of said departments, and also to build a vault in connection with said offices in accordance with the specifications stated in the communication of said Commissioners to this Branch, the resolution directing the City Commissioners to examine the drawbridge at the mouth of Jones' Falls and ascertain the probable cost required to put the same in good order and report to this Branch, the resolution directing the City Commissioners to have a gas lamp placed on the northwest corner of Hamilton and Little Courtland streets, the resolution directing the City Commissioners to have flag stones placed across East Baltimore street opposite the new Universalist Church, across East Baltimore street on the west side of Durham street, across East Lombard street at Wolf street, across Lombard street west side of Chapel street, across Chester street at Gough street, across Chester at Bank street, across Chester street at Eastern avenue, across Eastern avenue at Chester street, across Eastern avenue at Castle alley, across Washington street and Eastern avenue, across Gilmor and Saratoga streets, across Townsend and Walsh streets, across Little Paca and Conway streets, across Mason alley on Lanvale street, and across Johnson at Cross street, the resolution directing the City Commissioners to have gas lamps placed on the south side of Balderston street, between Charles and Light streets, on Charles between Balderston and Pratt, east side, on Charles street and Lombard street, on Hanover street and Uhler's alley, on Lanvale street at the north intersection of Mason alley, on the west side of Sharp street at the African Methodist Church, and to place gas lamps in Watson street in lieu of the present oil lamps, the resolution directing the City Commissioners to have a gutter paved on the east side of Ferry road from the end of the present pavement to the south gutter of McComas street, and the centre of Ferry road filled up and regulated, and to draw on the Register, with the approbation of the Mayor, for three hundred dollars, or so much thereof as may be necessary to defray said expense, the resolution discharging the joint standing committee on Markets from the further consideration of the petition of Alexander Gould and others, and the resolution discharging the same committee from the further consideration of the petition of Henry Rieman and others, severally endorsed "concurred in."

The Second Branch returned the ordinance entitled "An ordinance providing for the prompt collection of taxes on personal

property, levied by the State and city," endorsed "passed," and the ordinance entitled "An ordinance supplementary to an ordinance to regulate the several Markets in the city of Baltimore," endorsed "rejected."

A report from the joint standing committee on Police and Jail, with a resolution directing the City Commissioners to have such number of gas lamps as may be necessary, placed on West Fayette street, between Gilmore and Fulton streets, were received from the Second Branch, read and laid on the table.

Mr. Nicholas offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Commissioners of Finance be, and they are hereby authorized, if and in so far as they may deem it advisable, and as a favorable opportunity or opportunities may, in their judgment, occur for doing so, to raise money for the use of the city, by sale or hypothecation of the bonds received by the city from the Baltimore and Ohio Rail Road Company, as part of the extra dividend heretofore declared by said Company on the capital stock thereof; *provided* that not more than one-tenth part of the said bonds shall be disposed of at any one time.

Mr. Blanchard offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Comptroller pay to I. Nevitt Steele, Esq., out of any money in the Treasury not otherwise appropriated, the sum of one hundred dollars, for a professional opinion relative to the power of the City Council to repeal an ordinance to open Holliday street.

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon, at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance and resolutions were this day presented to the Mayor:

An ordinance supplementary to an ordinance entitled "An ordinance for the erection and completion of the new Jail for the city of Baltimore," approved May 21, 1858.

Resolution relative to the new Almshouse.

Resolution granting permission to William D. Durham to erect a livery stable on his premises on Howard street.

Wednesday, March 27th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented the petition of Samuel Register, asking to be allowed to change the curbstone opposite his lot on Register street, which was referred to the joint standing committee on Highways.

Mr. Bouldin presented the petition of Christopher Shaw, Jr., asking redemption of certain certificates issued by the Clerk of the Criminal Court of Baltimore City, under the directions of the late Judge of that Court, which was referred to the joint standing committee on Claims.

Mr. Bouldin presented the memorial of the Junior Artillery Company of Baltimore, asking an appropriation of two hundred dollars to secure their gun house and guns, on Harrison street, from improper intrusion, and to repair some portion of their implements and harness, which was referred to the joint select committee on Volunteer Military Companies.

Mr. Bolgiano presented the remonstrance of James P. Frames and others, against the passage of an ordinance to authorize the

running of the cars of the City Passenger Railway Association on Sunday, which was referred to the joint select committee on the City Passenger Railway.

Mr. Chase presented a communication from Burns, Russell & Co. and others, calling attention to the condition of the bridge at the terminus of Ridgely street, which was referred to the joint standing committee on Highways.

Mr. Dixon presented the petition of Louis Schroeder and others, asking for the abatement of the nuisance at the intersection of Hamburg and Third streets, which was referred to the joint standing committee on Health.

Mr. Hay presented the petition of John G. McCullough, asking to be allowed to erect a steam engine on his premises at the corner of Pratt and Fremont streets, for the purpose of sawing and splitting kindling wood, which was referred to the joint standing committee on the Fire Department.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Health, to whom was referred the petition of John Bullock & Sons, proprietors of a glue factory on Gwynn's Falls, south of the Washington road, asking permission to keep hogs on their premises, have had the same under consideration and discerning no reason why such permission should not be granted, offer the following resolution.

D. E. THOMAS,

JOHN BOLGIANO,

H. H. CHASE,

First Branch.

JOHN W. WILLSON,

WM. DEAN,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby granted to John Bullock & Sons to keep swine on their premises, not exceeding thirty

in number at any one time, the same to be removed upon three months' notice being given to the parties by the Mayor.

Mr. Blanchard called up the resolution requesting the Mayor, should he deem it advisable, to sign any application for grading the streets immediately surrounding Patterson's Park, which has been already signed by the owners of one half of the property binding on such streets, which was read and adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

The committee on Police and Jail, to whom was referred the petition of H. C. Magruder and others for a gas lamp at the corner of Lerews and Wilson alley, after an examination of the premises, there being no gas mains, deem it impracticable, and would respectfully offer the following resolution.

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

Resolved, That the committee to whom was referred the petition of H. C. Magruder and others be discharged.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

The joint standing committee on Police and Jail, to whom was referred a petition of Osbern McBee for permission to erect

at lamp at his own expense, have had the same under consideration, and recommend the adoption of the following resolution.

H. H. CHASE,

THOS. J. BROWN,

First Branch

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby granted to Osbern McBee to place a lamp in front of his premises, No. 42 Centre Market Space, at his own expense, the material to light said lamp to be furnished by himself, and at his own cost.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Bandel asked and obtained leave to introduce an ordinance entitled "An ordinance repealing ordinance No. 67 of ordinances of 1860, entitled "An ordinance providing for the erection of a New City Hall and the permanent investment of the McDonogh Educational Fund," approved July 23d, 1860," which was read and laid on the table.

Mr. Bandel asked and obtained leave to introduce an ordinance entitled "An ordinance to provide for the erection of a Male Central High School building for the City of Baltimore," which was read and laid on the table.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Northern Central Railway Company be, and they are hereby authorized to have unloaded from their cars on their track at the lower end of Bond street, one thousand bales of cotton.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard called up the resolution requiring the City Commissioners to have the Marine Hospital and adjoining buildings repaired at a cost not exceeding five hundred dollars, which was read and adopted.

Mr. Phelps called up the resolutions relating to the assembling of a constitutional convention and recommending the citizens of Baltimore to vote for the assembling of such convention, and requesting the delegates who might be elected to represent the City of Baltimore, should such convention be called, to use their best endeavors to secure the adoption of such amendments as would in their judgment carry out the recommendations embodied in the report accompanying these resolutions in regard to the re-organization and permanent establishment of the police department, both in its ministerial and judicial branches within the City of Baltimore, and further, to secure to the City of Baltimore their full and just proportion of representation in the General Assembly of Maryland, and appointing a joint special committee to prepare a memorial upon the basis of said accompanying report, the same when approved by the Mayor and City Council to be submitted to the General Assembly of Maryland at its next session, which were read.

Mr. Phelps moved that the resolutions be laid on the table, and that they and the ordinance entitled "An ordinance to repeal an ordinance and parts of an ordinance therein mentioned relating to the Police of Baltimore" be made the special order for Monday next, which was determined in the affirmative.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and an ordinance entitled "An ordinance to furnish work to a portion of the destitute mechanics and laboring men of the city of Baltimore," which were read and laid on the table:

The joint standing committee on Ways and Means of the City Council of Baltimore, to whom was referred the memorial of the Mechanics and Workingmen's Association, praying for a donation from the city government of five thousand dollars, to relieve the distress of worthy persons thrown out of employment and deprived of support, by the effects of the present political crisis, have had the same under consideration and are deeply impressed with sorrow, that so large and respectable a portion of the mechanics and workingmen of our city, heretofore unaccustomed to ask or to accept favor, but always deriving respectability, comfort and independence from the cheerful exercise of a manly and becoming industry, should be under a necessity, from the effects of a political crisis in the affairs of the country; to apply through an association of themselves and their friends, to the public authorities of the city for such relief as is requested in the petition. Unhappily the number of persons accustomed to labor and em-

ployment, and to wages, in our city, but now destitute of both, and in great distress for the means of support, is so large, that the appropriation asked for would, if made, almost instantly be consumed and disappear, leaving the evil unmitigated. Whilst this reflection is most distressing to the committee, and must be so to the City Council, the committee are of opinion that the Mayor and City Council are entirely without legal authority to make it. There is at all times in every municipal community a number of persons so indigent and so incapable of earning a subsistence that they necessarily become objects of public charity, and each community has the necessary power to provide sustenance for them; but this has no analogy to the case of a large and respectable portion of active and intelligent citizens thrown out of employment and reduced suddenly to distress. Disasters of a very distressing character often overtake the commercial, mechanical and other classes, and visit the hearts of many with anguish. All good men must feel for the sorrow of those who are thus afflicted; but it does not come within the authority of any municipal corporation to make gratuitous donations of the public money to afford relief. This would exceed their power, however it might gratify their wishes; but in a case like the present, the only thing really within the authority of the city government is to furnish employment in the business of the city, and thereby bread to as large a portion of the sufferers and their families as under the circumstances they can; hoping that the means thus employed will at least mitigate the evil until a more advanced season and a fortunate increase in the business of the citizens shall afford more employment and greater prosperity and hope and comfort to all classes.

The painful suspense which the doubtful policy of political rulers has, for a long time, imposed upon the minds of men, has unsettled all the plans and arrangements of business, and put a stop to enterprise even among our most active and energetic citizens; and hence those whom they have been accustomed to employ, have been compelled to sit in idleness, and look upon their once happy families with despair.

As a step to provide for the emergency, your committee recommend the employment, with the least delay possible, of about three hundred men, at an expense of \$20,000, on the public parks, in the belief that relief may thus be afforded to about 2000 persons for many weeks to come, with a commensurate advantage to the interests under the charge of the city government.

A larger provision might possibly have been made for this painful emergency, had an economy been used by our predecessors such as to leave the city finances in a more prosperous condition than they now exhibit; and no doubt the present city

government will so shape its policy, as to employ as many persons and afford as much comfort to them as circumstances, during the current year, will allow.

The committee respectfully recommend the passage of the accompanying ordinance, wishing it were in their power to recommend a more extensive measure of relief.

J. S. NICHOLAS,

H. W. DRAKELEY,

E. WYATT BLANCHARD,

First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,

Second Branch.

Mr. Blanchard offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the Visitors of Baltimore City Jail be requested to report to this Branch, whether persons sentenced to confinement in the Jail are required to labor, in compliance with the provisions of Article 4, Secs. 577, 578, 579, of the Code of Public Local Law.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

The following communication was received from the City Commissioners:

CITY COMMISSIONER'S OFFICE,

Baltimore, March 27th, 1861.

To the President and Members

of the First Branch of the City Council:

GENTLEMEN:

In answer to your resolution of 7th instant, requesting us to furnish you with a statement of the cost of a sufficient number of shade trees, and for planting the same in all the squares in

the centre of Broadway, north of Baltimore and south of Gay streets, and also the cost of having said trees properly protected with iron guards.

We would respectfully say to you, that the lowest estimate made up from bids received by us, it would require the amount of three hundred and sixty-six dollars for furnishing trees and planting them, the parties guaranteeing to put them in under the instructions of the Commissioners, and replant during one year should they not thrive.

The lowest bid for cast iron tree boxes would amount to two thousand two hundred and ninety-six dollars; making a total for furnishing and planting trees, and protecting them by iron guards, amounting to two thousand six hundred and sixty-two dollars (\$2,662.)

Very respectfully yours,

ROBT. S. BEETLEY, *Chairman,*

Per D. C. SMITH,

Clerk to Board of City Commissioners.

The following communication was received from the City Commissioners:

CITY COMMISSIONER'S OFFICE,

Baltimore, March 27, 1861.

To the President and Members

of the First Branch of the City Council:

GENTLEMEN :—

In reply to your resolution of 22d instant, requesting us to inform you of the cost of paving and grading the footway around Jackson square, and the repairing the fences and tree boxes thereon, and also of replanting such trees as are necessary.

We would respectfully say to you, that the lowest estimate, made up from bids received by us, amounts to the sum of five hundred and thirty dollars (\$530.)

Very respectfully,

ROBT. S. BEETLEY, *Chairman,*

Per D. C. SMITH, Clerk.

The Second Branch returned the resolution authorizing the Northern Central Railway Company to have unloaded from their cars, on their track at the lower end of Bond street, one

thousand bales of cotton, the resolution discharging the joint standing committee on Claims from the further consideration of the petition of Elnathan Lincoln, the resolution requiring the City Commissioners to have a gas lamp placed at the southwest corner of Pearl street and Chesnut alley, the resolution directing the joint standing committee on Ways and Means to lay the petition of Patrick Reney and others, praying for the refunding of certain taxes on licenses, before the City Counsellor and to obtain his opinion upon the legality of the claim preferred in said petition and of the authority of the Mayor and City Council to collect taxes in similar cases, the resolution directing the City Commissioners to have a gas lamp erected on McCulloh street, north of Townsend, and also at the intersection of Mosher and Ross streets, the resolution directing the City Commissioners to have gas lamps placed on West Baltimore street, between Gilmore and Fulton streets, and on Lee street, between Warner and Fremont streets, the resolution directing the Water Engineer to have water mains laid on Eastern avenue, from President street, to East Falls avenue, and from East Falls avenue to Canton avenue, and also to have a fire plug placed on the corner of President street and Eastern avenue in the place of an old and useless one now there, and also one on the corner of East Falls avenue and Canton avenue, and the resolution requesting the Mayor, if he deem it advisable, to sign any application for grading the streets immediately surrounding Patterson's Park, which has been already signed by the owners of one-half of the property binding on such streets, severally endorsed "concurred in."

The Second Branch returned the resolution authorizing the City Commissioners to replace the dead trees in Franklin Square and plant such additional trees in said square as may be necessary to better shade the grounds within the enclosure and appropriating two hundred dollars, or so much thereof as may be necessary for that purpose, the work to be done under the direction and superintendence of the joint standing committee on Highways, with the amendment proposed in this Branch, appropriating five hundred dollars for the improvement of Madison Square, endorsed "proposed amendment non-concurred in."

A report from the joint standing committee on the Fire Department, with a resolution granting permission to George J. Loane to continue the use of the shed erected in the rear of his premises on Montgomery street were received from the Second Branch, read and laid on the table.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, March 26th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition for the appointment of a joint special committee on the subject of the public printing, and name Messrs. Swindell, Dean and Robb as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

The President appointed Messrs. Bandel, Nicholas and Staylor as the committee on the part of this Branch.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read :

The joint standing committee on the Fire Department, to whom was referred the petition of Joshua T. King, asking permission to erect a frame shed on his premises, No. 707 W. Lexington street, having visited the premises, are of the opinion that the said shed would be in nowise dangerous to the adjoining property. They therefore beg leave to offer the following resolution.

JOHN J. STAYLOR,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby given to Joshua T. King to erect a frame shed on his premises, No. 707 West Lexington street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas called up the resolution authorizing the Commissioners of Finance, in so far as they may deem it advisable and as opportunity may offer, to raise money for the use of the city by sale or hypothecation of the bonds received by the city

from the Baltimore and Ohio Railroad Company, as part of the extra dividend heretofore declared by said company on the capital stock thereof; provided that not more than one-tenth part of the said bonds shall be disposed of at any one time, which was read.

Mr. Nicholas moved to amend the resolution by inserting after the word "of," in the sixth line, the words "one-half in number and amount of," which was determined in the affirmative.

On motion of Mr. Bolgiano, the resolution was laid on the table.

On motion of Mr. Hay, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, March 28th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Allen presented the petition of C. Reeder and others, asking the passage of an ordinance to re-establish the Federal Hill Ferry, which was referred to the joint standing committee on the Harbor.

Mr. Bandel presented the petition of Hugh Gelston and others, asking the passage of an ordinance to re-establish the Federal Hill Ferry, which was referred to the joint standing committee on the Harbor.

Mr. Crout presented the petition of S. Smith and others, asking to have flag stones placed across Pennsylvania avenue at

Mosher street, opposite to the Methodist Episcopal German Mission Church, which was read and laid on the table.

Mr. Crout offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby authorized and directed to have flag stones placed across Pennsylvania avenue, at Mosher street, opposite to the Methodist Episcopal German Mission Church, the expense of the same to be taken out of the appropriation for flag and stepping stones for 1861.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail, to whom was referred the petition of B. M. Heighe and others, for a gas lamp at the intersection of Little Pleasant street and College alley have had the same under consideration and beg leave respectfully to submit the following resolution :

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to place a gas lamp at the intersection of Little Pleasant street and College alley so soon as the gas mains are laid on said alley.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read :

The joint standing committee on Water, to whom was referred the petition of Nicholas Cotter, to repair a pump on Morton alley, having been informed by the Water Engineer that the expense for putting the well and pump in order will amount to three hundred dollars (\$300), and the water in the well being of a very inferior quality, and the neighborhood well supplied with water, submit the following resolution:

THOS. J. BROWN,
SOLOMON ALLEN,
J. H. TEGMEYER,

First Branch.

DECATUR H. MILLER,
ASA HIGGINS,

Second Branch.

Resolved, That the Committee be discharged from the further consideration of the subject.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read:

The joint standing committee on Water, to whom was referred the petition of Joseph Brent, to sink a well and erect a pump on the corner of Chatsworth street and Chesnut alley have had the subject under consideration and respectfully submit the following resolution:

THOS. J. BROWN,
J. H. TEGMEYER,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
DECATUR H. MILLER,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby granted to Joseph Brent to

sink a well and erect a pump in front of his premises on the northwest corner of Chatsworth street and Chesnut alley at his own expense.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read and laid on the table :

The joint standing committee on Highways, to whom was referred the petition of H. J. Rieman and others, in reference to repealing the ordinance for the opening, widening, and extending of Arch street, and also the petition of John Lester and others, remonstrating against the repeal of said ordinance, beg leave to state that they have examined the subject, and have also ascertained from the Commissioners for the Opening of Streets the amount of expenses already incurred to be over \$1500. The committee believing that the opening of said street would relieve the property in the neighborhood from the overflow of water that passes through the sewer in said Arch street and upon the surface thereof, they would therefore offer the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred a resolution of the Second Branch, dated the sixth day of February, 1861, relative to the accumulation of dirt in Forrest

street, between Douglas street and Half-Moon alley, have examined the premises and would respectfully offer the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to have the dirt removed from the bed of Forrest street, between the south side of Douglas street and Half-Moon alley, that lies above the grade of said street, and draw upon the Register, with the approbation of the Mayor, for the sum of fifty dollars, or so much thereof as may be necessary to defray the expense of the same, to be taken out of the appropriation for the repairs of unpaved streets for the year 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of Emanuel Crocker, asking for the privilege of erecting a verandah or balustrade in front of his buildings now being erected on Ensor street, near East street, beg leave to report that they have examined the premises, and think the prayer of the petitioner should be granted. They therefore offer the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That Emanuel Crocker be authorized to erect a verandah or balustrade in front of his premises on Ensor street, near East street.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read :

The joint standing committee on the Fire Department, to whom was referred the petition of Edward Coleman, asking permission to remove a one-story frame shop from its present location on the west side of Wolf street, between Lombard and Baltimore streets, to the north side of Baltimore street, between Wolf and Chapel streets, have had the subject under consideration and are of the opinion that the petition should be granted; they therefore offer the following resolution:

JOHN J. STAYLOR,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to Edward Coleman to remove a frame shop from the west side of Wolf street, between Lombard and Baltimore streets, to the north side of Baltimore street, between Wolf and Chapel streets.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard called up the resolution appropriating one hundred dollars to I. Nevitt Steele, Esq., for a professional opinion relative to the power of the City Council to repeal an ordinance to open Holliday street, which was read and adopted.

Mr. Phelps, from the joint select committee on Volunteer Military Companies, submitted the following report and resolution, which were read, and an ordinance entitled "An ordinance

for the support and encouragement of Volunteer Corps in the City of Baltimore," which was read and laid on the table :

The joint special committee, appointed to "consider and report whether any, and what additional legislation is necessary for the encouragement and support of uniformed volunteer companies," (see First Branch Journal, p. 114, also Second Branch Journal, p. 74, 75, 78), to which was referred the petition of the several military companies of Baltimore, asking the usual annual appropriation (First Branch Journal, p. 140), and to which was also referred the resolution for the benefit of volunteer companies (*ibid*, p. 367), respectfully submit the following report.

The 12th section of the Act of 1853, chap. 343, entitled an "Act for the effectual encouragement of Volunteer Corps within the city of Baltimore, expressly authorized the Mayor and City Council "to appropriate annually to the several uniformed volunteer companies which shall have conformed to the provisions of this Act, such sum or sums of money as they may deem necessary, to encourage more effectually the continuance of a well organized system of uniformed volunteer militia in said city, provided that the amount annually appropriated to each company shall not exceed the sum of \$250."

The first ordinance enacted under the foregoing provisions, approved July 26, 1853, appropriated the sum of four thousand dollars for the use of certain companies named therein, each company being entitled to draw the sum of \$200, upon compliance with the required conditions.

From 1853, the annual appropriation was regularly made until the year 1858, when by the revised ordinances approved in that year, the amount was reduced to \$100, and the number of the companies entitled to receive the quota restricted to thirty. For the years 1858 and 1859, the companies received the same amount of \$100.

The usual appropriation was made by the last Council, but the resolution authorizing it was vetoed by his Honor, Mayor Swann, upon the ground that by the Police Law, enacted by the General Assembly at its late session, the control of the military had been withdrawn from the executive of the city, and vested in the Board of Police (First Branch Jour. of 1859-60, p. 645.)

The 12th section of the Act of 1853 above cited, has, whether by accident or design, been omitted from the Code of Public Local Laws, and there is now no law authorizing the Mayor and City Council to make the appropriation, in direct and express terms. But by the 32d section of Article 4, P. L. L., the Corporation is authorized to "pass ordinances for preserving order, securing property and persons from violence, danger, or

destruction, protecting the public and city property, rights, and privileges from waste or encroachment, and for promoting the great interests and insuring the good government of the city."

"These powers are almost as broad and comprehensive as can be given, and, if properly exercised, are ample to meet all emergencies." (*Opinion of Geo. M. Gill, Esq., City Counsellor, First Branch Jour. pp. 399, 287.*) "Under the code, the powers of the city are greatly enlarged, and wisely so, and many questions which might have been made before its passage, can no longer be made." *Ibid*, 289.

Among these questions, that of the power of the Mayor and City Council to appropriate the corporate funds in the mode asked by the petition now under consideration, may safely be placed. By fundamental law it is expressly declared "that a well regulated militia is the proper and natural defence of a free government." (*Declaration of Rights, Art. 25.*) In view of this plain language of the constitution, it can hardly be denied, that the encouragement and support of the citizen soldiery is one of the instruments "for promoting the great interests, and insuring the good government of the city."

The undersigned therefore recommend the adoption of the resolution appropriating the sum named therein to the several companies which shall prove compliance with the conditions contemplated for the year 1860. It would be an act of gross injustice to these companies to withhold the moderate amounts, upon the faith of which several of them have incurred pecuniary liabilities, and upon which all had a right to rely. Upon two memorable occasions during that year, the city availed herself of the assistance of the military, first, at the official reception of the Japanese Embassy, on the 8th of June, and again at the inauguration of Druid Hill Park, on the 19th of October.

Ordinance No. 57 of Rev. Ord. of 1858, already referred to, having been passed originally in 1853, has become since the promulgation of the new code, obsolete and inoperative. It is besides defective, in not being sufficiently specific and definite in its requirements. Your committee therefore recommend its repeal, and the adoption of the accompanying ordinance, similarly entitled, as a substitute therefor.

CHAS. E. PHELPS,
OWEN BOULDIN,
J. S. NICHOLAS,
First Branch.

JOSEPH ROBB,
JOHN W. WILLSON,
JESSE MARDEN,
Second Branch

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby directed to pay to the commanding officer of each of the volunteer companies of the city, duly enrolled, organized, armed, and equipped according to law, which shall have duly complied with the requirements of Article 4 of the Public Local Laws for the year 1860, the sum of one hundred dollars, out of any money in the Treasury not otherwise appropriated; provided that each commanding officer who may make application for said sum, shall first make oath before the Mayor, that his company has made the four regular law parades for the year 1860, with not less than thirty men for each and every such parade if a foot company, or twenty mounted men if cavalry, and shall also give bond, with sureties to be approved by the Mayor and the Comptroller, in the sum of two hundred dollars, conditioned that the sum so awarded to him shall be appropriated to the necessary use of said company, and not otherwise.

On motion of Mr. Phelps, the resolution was read a second time, by special order.

Mr. Bolgiano moved that the resolution be laid on the table, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Phelps:

Yeas—Messrs. President, Yeisley, Wolf, Thomas, Bolgiano, Staylor, Drakeley and Allen—8.

Nays—Messrs. Myers, Bouldin, Bandel, Brown, Nicholas, Blanchard, Phelps, Chase, Dixon, Hay, Tegmeyer and Crout—12.

Mr. Phelps moved to amend the resolution by striking out the words "one hundred" in the eleventh line, and inserting in lieu thereof the words "two hundred," which was determined in the negative by the following vote, the yeas and nays being required by Mr. Phelps:

Yeas—Messrs. President, Phelps and Crout—3.

Nays—Messrs. Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Drakeley, Allen, Chase, Dixon, Hay and Tegmeyer—17.

The question recurring on the adoption of the resolution, it was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Crout:

Yeas—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Phelps, Drakeley, Allen, Chase, Dixon, Hay, Tegmeyer and Crout—20.

Nays—None.

Mr. Crout moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Crout and Chase who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to have the mouth of the sewer on the north side of Saratoga street, near Holliday street, enlarged, and to draw upon the Register, with the approbation of the Mayor, for the sum of one hundred dollars, or so much thereof as may be necessary to defray the expense thereof, to be taken out of the annual appropriation for sewers for 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Dixon offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the sum of five hundred dollars, or so much thereof as may be necessary for the purpose, be and the same is hereby appropriated for the paving of the Cross street market space; the work to be done under the superintendence of the City Commissioners.

Mr. Bandel offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby directed to grade

and pave the sidewalks around Jackson square, and also to repair the fences and tree boxes, and to plant such trees as are necessary on the same, at a cost not exceeding five hundred and fifty dollars (\$550), to be paid out of monies in the Treasury not otherwise appropriated.

An ordinance entitled "A supplement to an ordinance entitled 'An ordinance to lay out a public square in the northwestern section of the City of Baltimore,' approved April 23d, 1839," was received from the Second Branch, read and laid on the table.

Mr. Bandel asked and obtained leave to introduce an ordinance entitled "An ordinance supplementary to ordinance No. 40 of the revised ordinances of 1858, being the ordinance entitled 'An ordinance relating to the Public Schools,' approved June 5, 1858," which was read and laid on the table.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read and laid on the table :

The joint standing committee on Health, to whom was referred the petition of Lewis Schroeder and others, in relation to a nuisance now existing on a part of the bed of Hamburg and Third streets, in the accumulation of dirt and filth, beg leave to offer the following resolution:

D. E. THOMAS,
JOHN BOLGIANO,
H. H. CHASE,

First Branch.

JOHN W. WILLSON,
WM. DEAN,
ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to have the above named nuisance abated.

A report from the joint standing committee on City Property, with an ordinance entitled "An ordinance appointing a Messen-

ger to the Mayor and a Janitor of the City Hall, fixing their compensation and prescribing their duties," was received from the Second Branch, read and laid on the table.

The Second Branch returned the resolution granting permission to Harman Feldkamp to sink a well at his own expense in front of his premises at the corner of Light and Winder streets, endorsed "concurred in."

The Second Branch returned the ordinance entitled "An ordinance to regulate the market house at Fish Market Space, east of the Centre Market Space, and to define the limit in which scaled fish may be sold," endorsed "passed."

An ordinance entitled "An ordinance supplementary to ordinance No. 21, approved 28th April, 1860," entitled "An ordinance providing for the purchase of a site and the erection of an Almshouse, and the necessary buildings, &c.," was received from the Second Branch, read and laid on the table.

On motion of Mr. Bolgiano, the Branch adjourned until to-morrow afternoon, at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance and resolutions were this day presented to the Mayor:

An ordinance supplementary to an ordinance entitled "An ordinance to provide for the appointment of Superintendents of Streets and to prescribe their duties," approved 31st May, 1858.

Resolution authorizing drops to be placed at the sewers on Charles street, at the intersections of Balderston and Charles streets and Uhler's alley.

Resolution in favor of John L. Chapman.

Resolution in favor of Joseph Reynolds.

Resolution in favor of Margaret Kiernan.

Resolution in favor of E. A. Abbott.

Resolution in favor of M. Hamalt and Anthony J. Schroeder.

Resolution in favor of E. H. Frazier.

Resolution authorizing the repair of the roofs of the Broadway market houses and the house appropriated for the use of the Market Master.

Resolution relative to altering and regulating the gutter in Liberty street, between the north side of Fayette street and the southermost line of James McCurley's lot, to repaving parts of said Liberty street and removing the present stepping-stones in said street.

Friday, March 29th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

The President presented a communication from James C. Morford, stating the price at which he would sell to the city as a site for an Almshouse, a tract of land heretofore offered for that purpose, which was referred to the joint standing committee on the Almshouse.

The following communication was received from the Appeal Tax Court, and referred to the joint standing committee on City Property :

APPEAL TAX COURT,
Baltimore, March 29, 1861.

To the Honorable the Mayor

and City Council of Baltimore:

GENTLEMEN :—

We respectfully inform your honorable body, that since the estimate was made by the Commissioners of the expense for fitting up a room for the accommodation of the Commissionere for

Opening Streets, we have ascertained that a room on the lower floor, and immediately adjoining the Appeal Tax Court office, can be fitted up and used for that purpose with much greater convenience than a room would afford on the floor above, giving us immediate supervision ; but because it is in a much worse condition now than the room above it would be attended with expense additional to that of the present estimate.

If the change should be deemed advisable by your honorable body, we respectfully suggest that you ask an estimate from the Commissioners that the amount of difference may be ascertained in order that you may provide for the same.

With respect, your obedient servants,

THOMAS HARRISON,

WM. COLTON,

HENRY MYERS.

Mr. Thomas called up the resolution directing the Comptroller to have gas mains laid along Fayette street, between Aisquith and Canal streets, which was read and adopted.

Mr. Blanchard called up the ordinance entitled "An ordinance appointing a Messenger to the Mayor and a Janitor of the City Hall, fixing their compensation and prescribing their duties," which was read and passed.

Mr. Hay called up the ordinance entitled "An ordinance supplementary to ordinance No. 21, approved 28th April, 1860, entitled 'An ordinance providing for the purchase of a site and erection of an Almshouse, and the necessary buildings, &c.,'" which was read.

Mr. Phelps moved to amend the ordinance by striking out the preamble, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Phelps :

Yeas—Messrs. Yeisley, Myers, Bouldin, Thomas, Bandel, Bolgiano, Brown, Blanchard, Phelps and Allen—10.

Nays—Messrs. President, Wolf, Staylor, Nicholas, Drakeley, Chase, Dixon, Hay, Tegmeyer and Crout—10.

Mr. Drakeley moved to amend the ordinance by striking out all after the word "Baltimore," in the sixteenth line of the preamble, to the word "Baltimore" inclusive, in the eighteenth line, which was determined in the negative.

The question recurring on the passage of the ordinance, it was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Myers:

Yeas—Messrs. President, Wolf, Myers, Bouldin, Bandel, Staylor, Brown, Nicholas, Blanchard, Chase, Dixon, Hay, Tegmeyer and Crout—14.

Nays—Messrs. Yeisley, Thomas, Bolgiano, Phelps, Drakeley and Allen—6.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, March 29th, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk*.

On motion of Mr. Bandel, the proposition contained in the message was concurred in.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Bandel moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Bandel and Tegmeyer, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Nicholas called up the ordinance entitled "An ordinance to furnish work to a portion of the destitute mechanics and laboring men of the City of Baltimore," which was read.

Mr. Yeisley moved to amend the ordinance by striking out all after the word "employed" in the tenth line of the first section, to the word "and" inclusive, in the eleventh line, and inserting in lieu thereof the words "one half of the above amount to be expended in the improvement of Druid Hill Park and one half to be expended in the improvement of," which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Yeisley :

Yeas—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Drakeley, Allen, Chase, Dixon, Hay, Tegmeyer and Crout—16.

Nays—Messrs. Brown, Nicholas, Blanchard and Phelps—4.

Mr. Phelps moved to further amend the ordinance by inserting after the word "hundred" in the tenth line of the first section, the words "at any one time," which was determined in the affirmative.

Mr. Phelps moved to further amend the ordinance by adding the following section, to be styled section 2 :

Sec. 2. And be it enacted and ordained, That George J. Zimmerman ; William Hunt, 1st ward ; Hugh A. Cooper, 2d ward ; E. W. Robinson, 3d ward ; E. A. Abbott, 4th ward ; Thos. Creamer, 5th ward ; Richard Fonder, 6th ward ; S. Sands Mills, 7th ward ; Jacob Green, 8th ward ; Wm. Chester, 9th ward ; Robt. Renwick, 10th ward ; S. H. Caughy, 11th ward ; C. Sidney Norris, 12th ward ; J. A. McComas, 13th ward ; James H. Hogg, 14th ward ; Wm. F. Burns, 15th ward ; Alex. Russell, 16th ward ; Perry C. Orem, 17th ward ; J. H. Hayward, 18th ward ; F. W. Heath, 19th ward, and Valentine Foreman, 20th ward, be and they are hereby appointed a Board of Labor Commissioners whose duty it shall be, from time to time, to recommend to the said Park Commissioners suitable persons to be employed as aforesaid, and the said Park Commissioners are hereby required to employ for a period not exceeding one week at any one time such persons as may be recommended as aforesaid by the said Board of Labor Commissioners.

which was determined in the affirmative.

Mr. Phelps moved to further amend the ordinance by adding the following section, to be styled section 4 :

Sec. 4. And be it enacted and ordained, That this ordinance shall be in force until the first day of July, 1861, from and after which time it shall be deemed to have expired.

which was determined in the negative.

The question recurring on the passage of the ordinance as amended, the same was passed.

The Second Branch returned the ordinance entitled "An ordinance providing for the appointment of a keeper of refuse material belonging to the corporation," endorsed "will pass with proposed amendments."

Amendments proposed :

1. Strike out the words "the Jail, Almshouse," in the eighth line of the first section, and insert after the word "city" in the tenth line the words "except the Jail and Almshouse."

2. Insert after the word "sales" in the fifteenth line of the first section the words "and render to the Comptroller a statement of such sales, specifying the material, the price, and to whom sold."

3. Strike out all after the word "all" in the eighteenth line of the first section, to the word "dollars" in the twentieth line, and insert the words "sales to the amount of five thousand dollars and under annually, and five per cent. on sales over five thousand dollars annually."

4. Strike out the words "Port Warden, Warden of the Jail, Overseer at Almshouse," in the second and third lines of the second section, and insert the words "City Commissioners and Port Wardens."

The proposed amendments were read and laid on the table.

A report from the joint standing committee on Claims, with a resolution authorizing the Comptroller to pay Bull & Tuttle the sum of sixty dollars and nineteen cents, the amount of their bill for miscellaneous advertising in the Baltimore Clipper for the year 1860, the Comptroller being first satisfied that the bill is correct, were received from the Second Branch, read and laid on the table.

The Second Branch returned the resolution granting permission to Osborn McBee to place a lamp in front of his premises No. 42 Centre Market Space, at his own expense, the material to light said lamp to be furnished by himself and at his own cost, and the resolution discharging the joint standing committee on Police and Jail from the further consideration of the petition of H. C. Magruder, severally endorsed "concurred in."

On motion of Mr. Belgiano, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

APPROPRIATIONS.

To February 22, 1861.....	\$21,225 00
To Alois Raumft.....	100 00
To paving gutter, &c., on Ferry road.....	300 00
To I. Nevitt Steele, Esq.....	100 00
To removing dirt from the bed of Forrest street.....	50 00
To enlarging the mouth of the sewer on Saratoga street near Holliday street.....	100 00
Total.....	<hr/> \$21,875 00

The following ordinance was this day presented to the Mayor:

"An ordinance to regulate the market house at Fish Market Space, east of the Centre Market Space, and to define the limit in which scaled fish may be sold.

Monday, April 1st, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Staylor.

Mr. Bolgiano presented the petition of Robert K. Crawford and others, asking for a reduction of the license of bacon sellers, which was referred to the joint standing committee on Ways and Means.

Mr. Bolgiano presented the petition of George D. Kaeser and others, asking to have Eager street opened from Gay to Bond street, which was referred to the joint standing committee on Highways.

Mr. Phelps presented the petition of James Polk, relative to Battery Square, which was referred to the joint standing committee on City Property.

Mr. Phelps presented the memorial of George Sauer, asking indemnity for injury done to certain personal property of the memorialist, by a mob, on the 5th January, 1860, which was referred to the joint standing committee on Claims.

Mr. Phelps presented the petition of John L. Crise, asking to be allowed to erect a bay window at the southwest corner of McCullough and Townsend streets, which was referred to the joint standing committee on Highways.

Mr. Phelps presented the petition of John L. Crise and others, asking to have a gas lamp placed at the northeast corner of Eutaw and Rose streets, which was referred to the joint standing committee on Police and Jail.

Mr. Allen presented the remonstrance of John L. Reese and others, against the passage of an ordinance to authorize the running of the cars of the City Passenger Railway Association on Sunday, which was referred to the joint select committee on the City Passenger Railway.

Mr. Dixon presented the petition of John S. Gittings and others, asking for the enlargement and improvement of Battery Square, which was referred to the joint standing committee on City Property.

Mr. Hay presented a communication from Joseph B. Thompson, offering to sell to the city as a site for an almshouse, his farm on the Maiden's Choice road, which was referred to the joint standing committee on the Almshouse.

Mr. Tegmeyer presented the petition of Isaac Solomon and others, asking to have gas lamps placed on Schroeder street, from Baltimore to Lexington street, on Vine street, from Schroeder to Carlton street, and one lamp on the north side of Fayette street, between Schroeder and Carlton streets, which was referred to the joint standing committee on Police and Jail.

Mr. Crout presented the bill of Kerr & Co., for advertising in the Daily Exchange, which was referred to the joint standing committee on Claims.

The President presented the petition of Nicholas Cotter, asking compensation for damages sustained by him from the condition of the pump in Morton alley, between Biddle and Johns streets, which was referred to the joint standing committee on Claims.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read:

The joint standing committee on the Harbor, to whom was referred the petition of Mann & Co., asking to be released from a claim of the city of Baltimore, amounting to one hundred and five dollars, for the use of the steam dredge at their wharf fronting on the side of the dock at the foot of William street, have had the same under consideration and have carefully examined the said premises and find that the property holders on a line of said dock have paid their bills generally, with the exception of said petitioner. They think the bill is right and just, and can see no cause why it should not be paid. They therefore beg leave respectfully to offer the following resolution:

JACOB MYERS,

D. E. THOMAS,

JOHN A. J. DIXON,

First Branch.

WM. SWINDELL,

JESSE MARDEN,

WM. DEAN,

Second Branch.

Resolved by both Branches of the City Council, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Myers, the resolution was read a second time by special order, and adopted.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read and laid on the table :

The joint standing committee on the Harbor, to whom was referred the petition of William Trego for permission to build a pier about twenty by thirty feet to be attached to his present wharf at the lower end of Hughes street, have had the same under consideration, and have carefully examined the premises and believe the petitioner's request to be reasonable and should be granted, they therefore recommend the following resolution :

JACOB MYERS,

D. E. THOMAS,

JOHN A. J. DIXON,

First Branch.

WM. SWINDELL,

JESSE MARDEN,

WM. DEAN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That William Trego be, and he is hereby authorized to build a wharf twenty by thirty feet at the lower end of Hughes street, to be attached to his present wharf, with this condition, that there shall not at any time be permitted to lay at said extension or wharf more than one vessel ; provided, however, that the work shall be done under the supervision of the City Commissioners and Port Warden, and further provided, that the same shall be removed at the petitioner's expense within six months after notice to that effect shall be given by the Mayor.

The Second Branch returned the resolution granting permission to Joshua T. King to erect a frame shed on his premises, No. 707 West Lexington street, the resolution authorizing the City Commissioners to have the Marine Hospital and adjoining buildings repaired, at a cost not exceeding five hundred dollars,

the resolution authorizing Emanuel Crocker to erect a verandah or balustrade in front of his premises on Ensor street, near East street, the resolution authorizing the City Commissioners to have the dirt removed from the bed of Forrest street, between the south side of Douglas street and Half Moon alley, that lies above the grade of said street, and appropriating fifty dollars, or so much thereof as may be necessary, to defray the expense of the same, the resolution discharging the joint standing committee on Water from the further consideration of the petition of Nicholas Cotter, the resolution granting permission to Edward Coleman to remove a frame shop from the west side of Wolf street, between Lombard and Baltimore streets, to the north side of Baltimore street, between Wolf and Chapel streets, the resolution directing the City Commissioners to place a gas lamp at the intersection of Little Pleasant street and College alley, so soon as the gas mains are laid on said alley, the resolution directing the City Commissioners to have the mouth of the sewer on the north side of Saratoga street, near Holliday street, enlarged, and to draw upon the Register, with the approbation of the Mayor, for the sum of one hundred dollars, or so much thereof as may be necessary to defray the expense of the same, the resolution directing the Comptroller to pay to the commanding officer of each of the volunteer companies of the city, duly enrolled, organized, armed, and equipped according to law, which shall have duly complied with the requirements of Article 4 of the Public Local Laws for the year 1860, the sum of one hundred dollars, out of any money in the Treasury not otherwise appropriated; provided that each commanding officer who may make application for said sum, shall first make oath before the Mayor, that his company has made the four regular law parades for the year 1860, with not less than thirty men for each and every such parade if a foot company, or twenty mounted men if cavalry, and shall also give bond, with sureties to be approved by the Mayor and the Comptroller, in the sum of two hundred dollars, conditioned that the sum so awarded to him shall be appropriated to the necessary use of said company, and not otherwise, the resolution authorizing the City Commissioners to have flag stones placed across Pennsylvania avenue, at Mosher street, opposite the Methodist Episcopal German Mission Church, and the resolution appropriating one hundred dollars to I. Nevitt Steele, Esq., for a professional opinion relative to the power of the City Council to repeal an ordinance to open Holliday street, severally endorsed, "concurred in."

A report from the joint standing committee on Claims, with a resolution granting permission to C. T. Boehm, trustee, to withdraw his petition, and discharging the committee from the fur-

ther consideration of the same, was received from the Second Branch, read, and laid on the table.

A report from the joint standing committee on the Fire Department, with a resolution granting permission to George S. Riggs to construct two bay windows, one on each of the houses, No. 175 and No. 176 Hoffman street, was received from the Second Branch, read, and laid on the table.

A report from the joint standing committee on Claims, with a resolution authorizing the Comptroller to pay A. S. Abell & Co. ninety-two dollars and seventy-eight cents, being the amount of their bill for miscellaneous advertising in the *Sun* for 1860, was received from the Second Branch, read and laid on the table.

A report from the joint standing committee on Highways, with an ordinance entitled, "An ordinance to repeal the ordinance entitled 'An ordinance to widen Holliday street, between Baltimore and Fayette streets, and to open a street in continuation of Holliday street, from the south side of Baltimore street to Exchange Place, and to change the name of Commerce street to Holliday street,' approved October 21st, 1858," was received from the Second Branch, read and laid on the table.

Mr. Bandel offered the following resolution, which was read and laid on the table:

Whereas, it is generally believed that the late census of this State was very imperfectly and inaccurately taken, and that in particular it affords no reliable return of the number of inhabitants of the City of Baltimore, which it is of the greatest importance, on many accounts, should be carefully ascertained, therefore,

Resolved by the Mayor and City Council of Baltimore, That the Board of Police Commissioners be, and they are hereby requested to have an accurate census taken of all the persons residing in the city of Baltimore, on some one day in the month of May next, distinguishing between the sexes, and between the white population, free persons of color, and slaves.

Resolved, That it shall be the duty of the Comptroller to furnish the said Board of Police Commissioners with such books and stationery as may be required for the purpose aforesaid; and that the sum of one hundred dollars, or so much thereof as is necessary, be and the same is hereby appropriated for the same.

Mr. Bandel offered the following resolution, which was read and laid on the table:

Resolved, That the Clerk of this Branch be, and he is hereby authorized to withdraw from the files a petition, offered at the present session by Messrs. McCoull & Slater, in reference to taxes paid in error, and the accompanying tax bills, and to return the same to the said McCoull & Slater.

Mr. Bolgiano gave notice of his intention to ask for leave to introduce an ordinance entitled, "An ordinance supplemental to an ordinance, to establish a Police for the city of Baltimore, approved June 11th, 1858."

Mr. Blanchard offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Mayor of the city of Baltimore be and he is hereby authorized and empowered to employ some competent person as often as occasion may require, and when in his opinion the interests of the city will thereby be promoted, to aid the City Counsellor in the examination of the titles and conveyances of property in which the city of Baltimore is, or may be interested, and in the examination of titles in cases connected with the proper discharge of the duties of any branch of the city government, and in preparing cases for trial, in which the city of Baltimore is, or may be interested, and in which testimony may be properly taken. The person so employed to act under the direction of the City Counsellor, and to be employed not permanently, but only to the extent and when, in the opinion of the Mayor, such employment is proper and necessary. And that the Mayor of the city of Baltimore be further authorized to employ some competent person, if he should deem this necessary, and to the extent he may deem it necessary so to do, to collect and put in a book or books, in some simple and intelligent form, abstracts of conveyances and titles of city property, inclusive of wharf property, with all proper details, plats, descriptions and alphabets for reference, and showing the rents and incomes of the parts under rent or lease, and where unproductive, estimating the probable value thereof, which book or books, when completed, shall be deposited for safe keeping and use in the office of the Register of this city, and that all additions and changes shall be noted in the said book or books as they may occur in such manner as may be directed by the Mayor.

Mr. Phelps called up the special order for the day, being the ordinance entitled "An ordinance to repeal an ordinance and parts of an ordinance therein mentioned relating to the Police of Baltimore," and the resolutions relating to the assembling of a constitutional convention and recommending the citizens of Baltimore to vote for the assembling of such convention, and requesting the delegates who might be elected to represent the City of Baltimore, should such convention be called, to use their best endeavors to secure the adoption of such amendments as would in their judgment carry out the recommendations embodied in the report accompanying these resolutions in regard to the re-organization and permanent establishment of the police department, both in its ministerial and judicial branches within the City of Baltimore, and further, to secure to the City of Baltimore their full and just proportion of representation in the General Assembly of Maryland, and appointing a joint special committee to prepare a memorial upon the basis of said accompanying report, the same when approved by the Mayor and City Council to be submitted to the General Assembly of Maryland at its next session.

Mr. Blanchard moved that the consideration of the ordinance and resolutions be further postponed until Monday the 22d inst., and that they be made the special order for that day, which was determined in the affirmative.

Mr. Bolgiano called up the resolution authorizing the Commissioners of Finance, in so far as they may deem it advisable and as opportunity may offer to raise money for the use of the city by sale or hypothecation of one half in number and amount of the bonds received by the city from the Baltimore and Ohio Railroad Company, as part of the extra dividend heretofore declared by said company on the capital stock thereof; provided that not more than one-tenth part of the said bonds shall be disposed of at any one time.

Mr. Bolgiano offered the following as a substitute:

Resolved by the Mayor and City Council of Baltimore, That five hundred thousand dollars of the extra dividend bonds of the Baltimore and Ohio Railroad Company now held by the city, be placed at the disposal of the Commissioners of Finance for the following purpose, namely, of realizing for the use of the city three hundred thousand dollars in money, to effect this they are authorized to sell four-fifths of the said bonds at such time or times as may be most conducive to the interest and for the benefit of the city at prices not less than seventy-five per

cent. of their par value, and provided they should not effect a sale for a part or the whole amount, then in their discretion they are authorized to borrow the sum named and hypothecate the bonds placed at their disposal as security for the amount until a sale of the bonds can be effected.

Mr. Phelps moved that the whole matter be laid on the table, which was determined in the affirmative.

The Second Branch returned the ordinance entitled "An ordinance to furnish work to a portion of the destitute mechanics and laboring men of the City of Baltimore," endorsed "passed."

Mr. Phelps called up the ordinance entitled, "An ordinance for the support and encouragement of Volunteer Corps in the city of Baltimore," which was read and passed.

Mr. Crout called up the ordinance entitled, "An ordinance providing for the appointment of a keeper of refuse material belonging to the Corporation;" the proposed amendments were read.

Mr. Bolgiano moved that the Branch non-concur.

Mr. Phelps moved that they be laid on the table, which was determined in the affirmative.

Mr. Phelps offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That J. Shaaff Stockett and Allen E. Forrester be, and they are hereby authorized jointly to prepare full indexes to the Journals of the City Council in both Branches, for the called session of 1860, and the annual session of 1861.

Mr. Tegmeyer offered the following resolution, which was read and referred to the joint standing committee on Highways:

Resolved by the Mayor and City Council of Baltimore, That the present water course at the corner of Schroeder and Raborg streets be so altered as to make the crossing at that point passable.

On motion of Mr. Chase, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance and resolutions were presented to the Mayor on the 30th ultimo :

An ordinance providing for the prompt collection of taxes on personal property levied by the State and City.

Resolution authorizing the Northern Central Railway Company to unload cotton from their cars at a certain point.

Resolution to place a gas lamp on Pearl street at Chesnut alley.

Resolution to place a gas lamp on a certain street.

Resolution in relation to the drawbridge at the mouth of Jones' Falls.

Resolution to improve the offices of the Collector and Auditor and the Appeal Tax Court.

Resolution to place stepping stones across certain streets.

Resolution directing the laying of gas mains along certain streets.

Resolution in favor of Alois Raumft.

Resolution directing a steam fire plug to be placed at the head of Belair Fish Market.

Tuesday, April 2d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Nicholas presented the memorial of the Baltimore United Fire Department, praying that the five per cent. stock of the city, held by them, be made transferable, or that the Mayor and

City Council provide for the redemption thereof, which was referred to the joint standing committee on the Fire Department.

Mr. Phelps presented the petition of A. M. Emory and others, asking that the petition heretofore presented by them be reconsidered, and that a gas lamp be placed on Wilson alley, about twenty feet from its intersection with Park street, which was referred to the joint standing committee on Highways.

The following communication was received from the City Counsellor :

Baltimore, March 30th, 1861.

To the Members of the

First Branch of the City Council :

GENTLEMEN :

In the case of the Mayor and City Council vs. William Lefferman, 4 Gill, 425, the Court of Appeals of this State decided that a voluntary payment cannot be recovered back ; that a payment is not to be regarded as compulsory unless made to emancipate the person or property from an actual duress imposed upon it by the party to whom the money is paid, and that a payment made under the apprehension or even menace of an impending distress warrant, would not render it a payment by compulsion. In Elliott vs. Swartwout, 10 Peters, (s. c.) 153, the Court says " It is therefore to be considered as a voluntary payment by mutual mistake of law, and in such case no action will lie to recover back the money." In Maxwell vs. Griswold, et al., 10 Howard, 255, the Supreme Court decided that where the duties were paid under protest to avoid a severe penalty, that such payment is not to be considered voluntary, and may be recovered back. The parties who claim from the city the return of the license money which they say was illegal, cannot recover unless they can show not merely that the charge was illegal, but that they paid it protesting against its legality, and in order to obtain a license and avoid the penalties to which they might have been subject if they sold without a license. The parties seem to have paid, according to all the concessions in these cases, under the belief that they were performing a duty, but under a misapprehension of their legal responsibility. In such cases no action can be maintained against the city. All parties acted under the belief that the payments were made according to law. To permit parties to come in and correct mistakes for years back, would do injustice to the people of Bal-

timore, and if a recovery cannot be had when made to an individual under a mistake, a fortiori, such recovery cannot be had from a municipal corporation.

Under the act of 1782, chapter 17, the Legislature imposed *a tax for the benefit of the city of Baltimore, of five pounds annually, on tavern licenses*. This amounted to \$13.33 on each license. This has always been collected and paid to the city, and unless the Code operates to repeal it, up to this time it has not been repealed. In the new Code this seems to have been omitted, and no doubt by oversight and not design. Notwithstanding this omission, it was claimed and paid in 1860, and, so far as I know, paid without complaint, and the most that can be said by mistake. If these be the true circumstances, there can be no recovery from the city. I have thus far taken it for granted that the omission to recognize, in express terms, this tax of five pounds on tavern licenses in the Code, has the effect of repealing the tax. Another view, however, may be taken of this. In vol. 1 of Code, section 3, we find the following: "no rights, property or privileges held under a charter or grant from this State, shall be in any manner impaired or affected by the adoption of this Code." Now under the act of 1782, which, although not in itself a part of the charter, was nevertheless embodied in the charter, and became a part thereof, the privilege or right was secured to the annual tax to the extent of five pounds *on all tavern licenses*. Hence this right is held under the charter, or if not under the charter, under *a grant from the State*. I am aware of the distinction made, and properly made, between a municipal charter or grant, and charters or grants made for other than municipal purposes. Where for municipal purposes a charter or grant is made, the Legislature may repeal or destroy it; not so when made for other purposes. In this case, however, there is no pretence that the Legislature has by express terms deprived the city of Baltimore of this grant. If this had been done, there would have been no question. But I deny that the city of Baltimore is by implication to be thus deprived, and the 3d section of the Code sustains this view, when it reserves what has been given by the State under a charter or grant, whether for municipal or other purposes. My impression is, that the tax of five pounds on tavern licenses may be recovered, but this must depend upon the effect given to the 3d article of the Code already referred to. Another question has been made as to what is meant by *tavern licenses*. To ascertain this, you must look to what was, in 1782, understood to be *tavern licenses*. By the act of 1782, chapter 24, licenses were to be granted to ordinary keepers, who were authorized to sell liquors and permit them to be drank at their houses. By the 11th section of this act, a

penalty was inflicted on all persons not licensed to keep ordinaries, who sold for consumption or use on their premises any brandy, rum, cider, or other spirituous liquor, mixed or unmixed. The meaning, then, at that time, in 1782, of a *tavern license* was, that the person who took it out had exclusive authority to keep ordinaries, and also exclusive authority to sell for consumption or use on his premises any kind of spirituous liquor. It is true that the keeper of the ordinary not only kept an ordinary or inn, but was clothed with the additional power of being alone authorized to sell liquors. Since 1782 a distinction has been made, authorizing various parties who do not keep ordinaries, to sell liquor, and requiring them to *take out separate licenses*. It is now contended that the tavern licenses referred to in the law of 1782, applies alone to keepers of ordinaries, and does not extend to those who do not keep ordinaries, but are licensed to sell liquor for use on their respective premises. The construction given to this matter since 1782 has been otherwise; and where a practice of such long continuance has existed, it would seem to give great weight to its legality. Independently, however, of this as under the act of 1782, the tax imposed for the benefit of the city of Baltimore, operated upon all who sold liquor under the sanction of law, and the tavern license therein referred to applied to all who had a right to do so, it would seem to be proper to extend this tax to all who now have a license to sell liquor. The term tavern is thus defined by Webster, "a house licensed to sell liquors in small quantities to be drank on the spot." This seems to be the proper sense of the word. Originally, the word tavern signified in England, a wine shop or wine house, a drinking house. It comes from the Latin word *taberna*, which was used to signify a wine shop; as, however, in process of time the seller of wine (including other strong drinks) began to supply food and lodging for way-faring men, the term tavern became synonymous with inn. In the act of 1782, the words used are *tavern licenses*. These words have always been held to include all houses licensed to sell liquors in small quantities to be drank on the spot, according to the original meaning of the word tavern. A construction of this kind so long continued ought to settle this matter. It seems, however, that an effort is now to be made to unsettle it. While I must admit that there may be a reasonable doubt on this point, it would not become one in my situation to acquiesce in this *novel* construction, at least until the courts of this State have decided against that which has so long existed. Hence I hold that this tax of \$13.33 ought to be collected as it has heretofore been, that it applies to all houses where liquors are sold in small quantities to be drank on the spot.

Mr. Chase offered the following resolution, which was read and laid on the table :

Resolved, That the Commissioners for Opening Streets be requested to inform this Branch whether Fort street has been opened from William street westwardly to the middle branch of the Patapsco river pursuant to the ordinance to open said street, and if all obstructions in the way of fences, buildings, &c., have been removed from the bed of said street.

The following communication was received from the Board of City Commissioners and Port Wardens, and referred to the joint standing committee on the Harbor :

CITY COMMISSIONERS AND PORT WARDENS OFFICE,
Baltimore, April 2d, 1861.

To the Honorable the President and Members of the

First Branch of the City Council :

GENTLEMEN :—

Pursuant to your resolution of 4th ult., requesting the Board of City Commissioners and Port Wardens to inform you of the probable cost of cleaning the "Back Basin," and placing it in a proper condition; and also as to the condition of "Jones Falls," from the Draw Bridge up to Center street, particularly as to the quantity of sediment proper to be removed, and an estimate of the cost of removing the same; and also the condition of the "wharves" and "stone walls" binding on the same, and its cost to repair said "wharves" and "stone walls."

We have carefully sounded the depth of water in the "Back Basin," and thence "Jones Falls," from its mouth to the head of tide water at Gay street Bridge; also the condition of the bed of the "Falls" from "Gay street Bridge" to Center street.

We have examined the "wharves," "piers," and "stone walls" binding thereon, and we would respectfully submit to you the following report.

The "Back Basin" is considerably filled with the sediment washed out of "Jones Falls" and "Harford Run," greatly to the obstruction of the navigation and the use of the wharves.

From the mouth of the *Falls*, extending the distance of about two hundred (200) feet eastwardly, is a shoal which is dry at mean tide, and thence to the mouth of the upper dock, formed by the Caroline street pier. The water is so shallow as not to admit vessels drawing over four (4) feet to approach the line of wharf on the north side of the "Back Basin."

And on both sides of Caroline street Docks, the water will not average at the wharf berths over four (4) feet depth at mean tide.

The channel through the "Draw Bridge," and the line of berths along the wharf on the south side of the "Back Basin" for about three hundred (300) feet westwardly, will admit vessels drawing eight (8) feet water. The whole amount of deposit necessary to be removed in the "Back Basin," so as to allow of a uniform depth, eight feet water at mean tide, is forty-six thousand three hundred and forty-six (46,346) cubic yards, which would amount to about eleven thousand five hundred (\$11,500) dollars.

From the mouth of "Jones Falls" up to Fleet street Bridge, the average mean perpendicular depth of water, at mean tide, is two (2) feet seven (7) inches. And here the City Commissioners would most respectfully take the liberty of recommending to your consideration the plan of digging out an *area* of at least one hundred (100) feet long.

The width of the Falls, and twelve feet deep, or four feet below the bottom of the "Back Basin," in order to form a receptacle which, in their opinion, would intercept and receive a great portion of the sediment swept down by the current of the *Falls*, particularly when the stream is much swollen, and thereby prevent its being deposited in the "Back Basin," and in many instances the channel of the harbor.

The whole amount of sediment to be taken out of "Jones Falls," from its mouth to Fleet street Bridge, so as to give four feet depth of water at mean tide, would be three thousand seven hundred and sixty-six (3,766) yards; and the different quantity to form the receptacle 12 feet deep, would be two thousand eight hundred and forty-four (2,844) yards, making a total required to be taken out between mouth of Falls and Fleet street Bridge of six thousand six hundred and ten (6,610) yards, at a cost of about fifteen hundred (\$1500) dollars.

The depth of water between Fleet street Bridge and Gay street Bridge, at mean tide, will average about two (2) feet.

Above Gay street Bridge, between Center street Bridge, there are many points where the sediment has accumulated above the surface of the stream, particularly between Hillen street Bridge and Bath street Bridge the deposit is banked up on the east side to the height of 8 feet. To remove the surplus sediment at these points, and clean out the bed from Center street Bridge to Fleet street Bridge, so as to obtain a mean depth of water between Gay street Bridge and Fleet street Bridge of two feet six inches (2-6) at mean tide, would amount to about thirty-eight thousand yards, which would cost about nine thousand (\$9000) dollars, provided this deposit could be removed by any ordinary means.

The "walls" along the entire line of the Falls, from its mouth up to Center street Bridge, appears to be in a good condition, with one exception; a breach exists a little to the northward of "Front street Theatre," which from examination appears to have fallen in consequence of the rupture of the earth against it, and the settlement of the piling logs upon which it was constructed. The estimated cost of building up this breach in a proper condition, from proposals handed to us, would amount to two hundred and eighteen (\$218) dollars.

The pier on the west side of the Falls, from Fleet street Bridge to the mouth of the Falls, is a subject of complaint from parties occupying it, and upon examination we find the covering boards are in many places decayed.

To put this pier in good order would cost about six hundred (\$600) dollars. There are also some little repairs required to be done to the wharf on the north side of the "Back Basin;" also at the head of one of the docks on Caroline street, the probable cost of which would be about one hundred (\$100) dollars.

Reviewing the foregoing statement, we have as follows:

Cost of cleaning out "Back Basin".....	\$11,500 00
" " do. from mouth of Falls to	
Fleet street Bridge.....	1,500 00
" " do. Fleet to Center streets	9,000 00
Repairing stone wall.....	218 00
" pier west side of Falls	600 00
" wharf in "Back Basin".....	100 00
	<hr/>
	\$22,918 00

Very respectfully,

ROBT. S. BEETLEY, *Chairman,*

Per D. C. SMITH, *Clerk.*

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and resolution, which were read :

The joint standing committee on Ways and Means, to whom was referred the petition of Robert K. Crawford and others, bacon sellers, praying for a reduction of the tax on their licenses, have had the same under consideration and sympathize very much in the present juncture with the payers of taxes in every form, but indulge the hope that the venders of provisions of any kind are less affected than others in the extent and profits of their business, and do not consider the tax complained of exor-

bitant. The annexed resolution is respectfully submitted for adoption :

J. S. NICHOLAS,

H. W. DRAKELEY,

First Branch

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the joint standing committee on Ways and Means be discharged from the further consideration of the said petition.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution directing the Comptroller to have gas mains laid along Fayette street, between Aisquith and Canal streets, endorsed "concurred in with proposed amendment."

Amendment proposed :

Strike out the words "and Canal streets" in the fourth line, and insert the words "street and Central avenue."

which was read and laid on the table.

A report from the joint standing committee on the Fire Department, with a resolution discharging the committee from the further consideration of the petition of Thomas Brice, was received from the Second Branch and read.

On motion of Mr. Hay, the resolution was read a second time, by special order, and concurred in.

Mr. Bandel called up the resolution directing the City Commissioners to grade and pave the side walks around Jackson Square, and also to repair the fences and tree boxes and to plant such trees as are necessary on the same at a cost not exceeding five hundred and fifty dollars, which was read.

Mr. Bandel moved to amend the resolution by striking out all after the word "same" in the fifth line, and inserting in lieu

thereof the words "and shall draw upon the Register, with the approbation of the Mayor, for such sums as may be necessary to defray the expense of the same, provided that the amount does not exceed five hundred and thirty dollars," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Bandel called up the resolution authorizing the Clerk to withdraw from the files the petition of McCoull & Slater presented at the present session, in reference to taxes paid in error, and also the accompanying tax bills, which was read and adopted.

Mr. Phelps called up the resolution authorizing J. Shaaff Stockett and Allen E. Forrester, jointly, to prepare full indexes to the Journals of the City Council in both Branches for the called session of 1860 and the annual session of 1861, which was read and adopted.

Mr. Blanchard called up the resolution directing the Comptroller to pay A. S. Abell & Co. the sum of ninety-two dollars and seventy-eight cents, being the amount of their bill for miscellaneous advertising in the Sun for the year 1860, which was read and concurred in.

Mr. Blanchard called up the resolution directing the Comptroller to pay to Bull & Tuttle the sum of sixty dollars and nineteen cents, being the amount of their bill for miscellaneous advertising in the Clipper for the year 1860, which was read and concurred in.

Mr. Myers called up the resolution authorizing William Trego to build a wharf twenty by thirty feet at the lower end of Hughes street to be attached to his present wharf, with this condition, that there shall not at any time be permitted to lay at said extension or wharf more than one vessel, provided however that the work shall be done under the supervision of the City Commissioners and Port Wardens, and that the same shall be removed at the expense of the petitioner within six months after notice to that effect shall be given by the Mayor, which was read and adopted.

Mr. Dixon called up the resolution appropriating five hundred dollars, or so much thereof as may be necessary for the purpose, for the paving of the Cross Street Market Space, the work to be done under the superintendence of the City Commissioners,

which was read and adopted by the following vote, the yeas and nays being required by Mr. Dixon :

Yeas—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Phelps, Drakeley, Allen, Chase, Dixon, Hay, Tegmeyer, and Crout—20.

Nays—None.

Mr. Crout called up the ordinance entitled, “ An ordinance providing for the appointment of a keeper of refuse material belonging to the corporation.”

Mr. Crout moved that the proposed amendments of the Second Branch be concurred in, which was determined in the affirmative.

Mr. Brown, from the joint select committee on the Accounts of the Commissioners of the Fire Department, submitted the following report and resolution, which were read :

The joint committee, to whom was referred the accounts of the Fire Department for examination, have performed the duty assigned, and have the satisfaction to state that they found the books well kept, and the accounts sustained by proper vouchers, and they beg leave to offer the following resolution :

THOS. J. BROWN,
JACOB MYERS,

First Branch.

WM. DEAN,
JESSE MARDEN,

Second Branch.

Resolved, That the Committee be discharged.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas called up the resolution authorizing the Commissioners of Finance, in so far as they may deem it advisable and as opportunity may offer to raise money for the use of the city by sale or hypothecation of one half in number and amount of the bonds received by the city from the Baltimore and Ohio Railroad Company, as part of the extra dividend heretofore de-

clared by said company on the capital stock thereof; provided that not more than one-tenth part of the said bonds shall be disposed of at any one time.

The question being on the adoption of the substitute offered by Mr. Bolgiano, it was determined in the negative by the following vote, the yeas and nays being required by Mr. Bolgiano:

Yeas—Messrs. President, Yeisley, Wolf, Bouldin, and Bolgiano—5.

Nays—Messrs. Myers, Thomas, Bandel, Staylor, Brown, Nicholas, Blanchard, Phelps, Drakeley, Allen, Chase, Dixon, Hay, Tegmeyer, and Crout—15.

Mr. Nicholas moved to amend the resolution by striking out the word “tenth” in the line next to the last, and inserting in lieu thereof the word “fifth,” which was determined in the affirmative.

Mr. Bolgiano moved to further amend the resolution by striking out the words “one half,” and inserting in lieu thereof the words “four hundred thousand dollars,” which was determined in the negative by the following vote, the yeas and nays being required by Mr. Bolgiano:

Yeas—Messrs. Bandel and Bolgiano—2.

Nays—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Brown, Nicholas, Blanchard, Phelps, Drakeley, Allen, Chase, Dixon, Hay, Tegmeyer and Crout—17.

The question recurring on the adoption of the resolution as amended, it was determined in the affirmative.

Mr. Bouldin called up the ordinance entitled, “An ordinance to repeal the ordinance entitled, ‘an ordinance to widen Holliday street, between Baltimore and Fayette street, and to open a street in continuation of Holliday street, from the south side of Baltimore street to Exchange Place, and to change the name of Commerce street to Holliday street,’ approved October 21st, 1858,” which was read.

Mr. Phelps moved that the ordinance be laid on the table, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Bouldin:

Yeas—Messrs. Yeisley, Wolf, Bandel, Blanchard, Phelps, and Allen—6.

Nays—Messrs. President, Myers, Bouldin, Thomas, Bolgiano, Staylor, Brown, Nicholas, Drakeley, Chase, Dixon, Hay, Tegmeyer and Crout—14.

Mr. Myers moved to strike out the preamble to the ordinance, which was determined in the negative.

The question recurring on the passage of the ordinance, it was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Bouldin :

Yeas—Messrs. President, Wolf, Myers, Bouldin, Thomas, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Chase, Dixon, Hay, Tegmeyer and Crout—15.

Nays—Messrs. Yeisley, Bandel, Phelps, Drakeley and Allen—5.

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, April 3d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented the petition of E. Pratt & Brother and others, relative to the condition of the Harbor for the accommodation of large class vessels, which was referred to the joint standing committee on the Harbor.

Mr. Myers presented the petition of Jacob Frush and others, asking that a new pump may be placed in the well in front of

Public School No. 8, Caroline street, near Pratt street, which was referred to the joint standing committee on Water.

Mr. Staylor presented the petition of Jacob H. Piercy, asking permission to erect a frame shed, to be used as a stable, on the corner of Harford avenue and Chew street, which was referred to the joint standing committee on the Fire Department.

Mr. Brown presented the petition of Robert Knight, Clerk of the Centre Market, asking an appropriation for certain improvements in said market, and for the repeal of ordinance No. 88, approved September 26, 1860, which was referred to the joint standing committee on Markets.

The President presented a communication from R. H. Evans, offering to sell to the city as a site for an Almshouse a tract of land lying southwest of the city, one mile from the city limits, which was referred to the joint standing committee on the Almshouse.

The President presented a communication from James H. Luckett, agent for Mr. France, offering to sell to the city as a site for an Almshouse his farm near the Relay House, of the Baltimore and Ohio Rail Road, which was referred to the joint standing committee on the Almshouse.

Mr. Hay presented the petition of Mrs. J. Crimmin and others, asking the return of taxes paid in error, which was referred to the joint standing committee on Claims.

Mr. Nicholas moved that the opinion of the City Counsellor presented to the Branch yesterday, on the petition of Patrick Reney and others, be referred to the joint standing committee on Ways and Means, which was determined in the affirmative.

Mr. Chase presented the following resolution, which was read:

Resolved, By the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to place flag stones across Columbia street, from the northwest corner, at the intersection of Fremont street, to the southwest corner of said street, the expense of the same to be taken out of the appropriation for flag and stepping stones for 1861."

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, April 3, 1861.

To the Honorable the Members

of the First Branch of the City Council :

GENTLEMEN :

I have approved of and signed the following ordinances and resolutions emanating from your body, viz :

An ordinance supplementary to an ordinance entitled, " An ordinance for the erection and completion of the New Jail of Baltimore, approved May 31st, 1858."

An ordinance supplementary to " An ordinance to provide for the appointment of superintendents of streets, and to prescribe their duties, approved May 31st, 1858."

An ordinance providing for the prompt collection of Taxes on personal property levied by the State and City.

Resolution relative to the New Almshouse.

Resolution granting permission to William D. Durham to erect a livery stable on Howard street.

Resolution in favor of M. Hamalt and Anthony Schroeder.

Resolution in favor of Joseph Reynolds.

Resolution in favor of Margaret Kiernan.

Resolution directing the City Commissioners to have a drop placed in the openings of certain streets.

Resolution directing the City Commissioners to improve the gutters of Liberty street.

Resolution in favor of E. A. Abbott.

Resolution directing the City Commissioners to improve certain gutters.

Resolution to repair the Broadway Market House, and Market Master's House.

Resolution in favor of E. H. Frazier.

Resolution in favor of John L. Chapman.

Resolution in favor of Alois Raumft.

Resolution authorizing the Northern Central Railway Company to unload cotton from their cars at certain points.

Resolution to place a gas lamp on Pearl street and Chesnut alley.

Resolution to place a gas lamp on certain streets.

Resolution to place stepping stones across certain streets.

Resolution to improve the offices of the Collector, Auditor and Appeal Tax Court.

Resolution directing the laying of gas mains along certain streets.

Resolution directing a steam fire plug to be placed at the head of Bel Air Fish Market.

Resolution in relation to the draw bridge at the mouth of Jones' Falls.

Respectfully,

GEO. WM. BROWN, *Mayor*.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, April 2d, 1861.

To the Honorable the Members of the First and

Second Branches of the City Council of Baltimore:

GENTLEMEN :—

I return, without my signature, the ordinance entitled "An ordinance to regulate the Market House at Fish Market Space, east of Centre Market Space, and to define the limit in which scaled fish may be sold."

After careful inquiry, I have come to the conclusion, that the space designated by the ordinance for venders of fresh fish in the street adjoining the Centre Fish Market is less than is required during the fish season for the proper accommodation of the trade.

If the limits on the street were extended as far as those now used by the dealers in fresh fish, the trade would be sufficiently accommodated.

I do not object to the provision made by the ordinance in reference to the number of stalls appropriated to the sale of fresh fish.

Respectfully,

GEO. WM. BROWN, *Mayor*.

Mr. Bolgiano moved that the vote by which the ordinance entitled "An ordinance to regulate the market house at Fish Market Space, east of Centre Market Space, and to define the limit in which scaled fish may be sold" was passed be reconsidered, which was determined in the affirmative.

On motion of Mr. Bolgiano, the ordinance was laid on the table.

On motion of Mr. Bolgiano, the rules were suspended to allow him to introduce an ordinance entitled "An ordinance to regulate the market house at Fish Market Space, east of the Centre Market Space, and to define the limit in which scaled fish may be sold," which was read.

On motion of Mr. Bolgiano, the ordinance was read a second time, by special order, and passed.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on the Fire Department, to whom was referred the petition of Augustus Ballauf, for permission to extend his workshop three feet over the wall of Jones' Falls, having visited the premises, are of opinion that the improvement would in no wise be injurious and should be granted. They therefore offer the following resolution.

JOHN J. STAYLOR,

JESSE HAY,

J. H. TEGMEYER,

First Branch.

JAS. B. GEORGE, Sr.,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby granted to Augustus Ballauf to extend his workshop three feet over the wall of Jones' Falls, in the rear of his premises on Harrison street, said shop to be elevated at least 16 feet above the bed of Jones' Falls.

The Second Branch returned the ordinance entitled "An ordinance for the support and encouragement of Volunteer Corps in the City of Baltimore," endorsed "passed."

The Second Branch returned the resolution discharging the joint standing committee on the Harbor from the further consideration of the petition of Mann & Co., endorsed "concurred in."

A resolution authorizing and directing the City Register to pay to the City Commissioners, upon the requisition of said Commissioners, from time to time, the sum of six thousand dollars, to be expended by said Commissioners in the employment of mechanics and working men, residents of this city, in the grading of Webster street, from Fort avenue to the terminus of said street; and further, authorizing and empowering the Register of the city to borrow the sum of six thousand dollars on the best terms practicable, and to pledge therefor the credit of the city by note or notes, to be signed by himself and the Mayor of the city; and making it the duty of the Labor Commissioners, provided for in the ordinance entitled "An ordinance to furnish work to a portion of the destitute mechanics and laboring men of the city of Baltimore," to recommend to the City Commissioners suitable persons to be employed under this resolution, and requiring the City Commissioners to employ such persons as may be recommended by the Board of Labor Commissioners, was received from the Second Branch and read.

On motion of Mr. Bandel the resolution was referred to the joint standing committee on Ways and Means.

Mr. Bolgiano asked and obtained leave to introduce an ordinance entitled "An ordinance supplementary to an ordinance to establish a police for the City of Baltimore, approved June 11th, 1858," which was read and laid on the table.

Mr. Bolgiano called up the resolution granting permission to John Bullock & Sons to keep swine on their premises, not exceeding thirty in number at any one time, which was read.

Mr. Chase moved to strike out the word "thirty" and insert in lieu thereof the words "twenty-five," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, it was determined in the affirmative.

Mr. Staylor called up the resolution granting permission to George S. Riggs to construct two bay windows, one on each of the houses No. 175 and No. 176 Hoffman street, which was read.

Mr. Wolf moved to amend the resolution by striking out the words "and City Council" in the last line, which was determined in the affirmative.

The question recurring on concurring in the resolution as amended, it was determined in the affirmative.

Mr. Bandel from the joint standing committee on City Property submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on City Property to whom was referred the petition of Henry Knell, and others, praying that an appropriation may be made for the proper grading, making of avenues and walks, and the planting of the necessary shrubbery in Lafayette Square, have had the same under consideration, and respectfully submit the following resolution:

E. WYATT BLANCHARD,
GEO. S. BANDEL,
THOS. J. BROWN,

First Branch.

JAS. B. GEORGE, Sr.,
WM. DEAN,
WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to have the enclosure known as Lafayette Square, properly graded, avenues and walks laid off, and the necessary trees and shrubbery planted in the same, and that they draw upon the Comptroller for the sum of six hundred and fifty dollars, or so much thereof as may be necessary to pay for the same, the amount to be provided for in the annual levy for 1861.

Mr. Chase called up the resolution requesting the Commissioners for Opening Streets to inform this Branch, whether Fort street has been opened from William street westwardly to the Middle Branch of the Patapsco River pursuant to the ordinance to open said street, and if all obstructions, in the way of fences, buildings, &c., have been removed from the bed of said street, which was read and adopted.

Mr. Thomas called up the resolution directing the Comptroller to have gas mains laid along Fayette street, between Aisquith and Canal streets.

Mr. Thomas moved that the proposed amendment of the Second Branch be concurred in, which was determined in the affirmative.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and an ordinance entitled, "An ordinance to authorize and empower William J. Hamill, Clerk of the Court of Common Pleas of Baltimore city, to receive and collect the tax of five pounds Maryland currency on tavern licenses, and the Jail tax of four dollars on licenses," which were read and laid on the table:

The joint standing committee on Ways and Means of the City Council of Baltimore, to whom was referred the petition of Patrick Reney and others, praying to be refunded certain taxes on tavern licenses paid by them, and also the opinion of the Counsellor of the city, communicated in writing on the 2d instant to the City Council, in obedience to a resolution previously adopted by the latter, on the subject of the said petition, have had both under consideration, and respectfully report the accompanying ordinance, as calculated to bring the only open question on the subject of said taxes to a decision by judicial authority:

H. W. DRAKELEY,

J. S. NICHOLAS,

E. WYATT BLANCHARD,

First Branch.

FRANCIS W. ALRICKS,

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,

Second Branch.

Mr. Blanchard called up the resolution allowing C. T. Boehm, trustee, to withdraw his petition, and discharging the joint standing committee on Claims from the further consideration of the same, which was read and concurred in.

Mr. Hay called up the resolution granting permission to George J. Loane to continue the use of the shed erected in the rear of his premises on Montgomery street, which was read and concurred in.

Mr. Staylor called up the resolution requesting the Board of City Commissioners and Port Wardens to inform this Branch

if the Greenmount Cemetery Company's wall on Greenmount avenue does not extend on the footway further than is permitted by the existing ordinance regulating sidewalks, which was read and adopted.

Mr. Staylor offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be, and he is hereby directed to have the pump at the Eastern Hay Scales, on Buren street, put in complete repair, the amount to be provided for in the appropriation for pumps for 1861.

On motion of Mr. Bolgiano, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, April 4th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Allen presented the petition of Burns & Sloan, praying the repeal of resolution No. 221, approved June 4th, 1860, which was referred to the joint standing committee on the Harbor.

Mr. Dixon presented the petition of John T. Fardy and others, praying for the opening and grading of Webster or other street from Fort Avenue to City Yard, which was referred to the joint standing committee on Ways and Means.

Mr. Hay presented the petition of Samson Cariss and others, asking the repeal of the ordinance for widening Fayette street, between Calvert and Holliday streets, which was referred to the joint standing committee on Highways.

The following communication was received from the Board of Visitors of Baltimore City Jail :

BALTIMORE, April 4, 1861.

J. C. BLACKBURN, Esq.:

Sir :—I am directed by the Board of Visitors of the Baltimore City Jail, to acknowledge the receipt, under date of 30th ult., of the following resolution passed by the body over which you preside:

“Resolved, by the First Branch of the City Council of Baltimore, That the visitors of the Baltimore City Jail be requested to report to this Branch whether persons sentenced to confinement in the jail are required to labor, in compliance with the provisions of Article 4, sec. 577, 78, 79, of the Code of Public Local Laws.”

In answer to the above resolution, I would reply in the negative, for the simple reason that the construction of the new building renders it impossible for the Board to carry out the law on the subject.

I have been further directed by the Board to call the attention of the Council to the exposed situation of the building, in consequence of the delay in the erection of a suitable wall, and to urge upon you the importance of the subject as necessary to the proper discipline of the institution.

Very respectfully,

J. HARMAN BROWN,

Pres't Board of Visitors Balto. City Jail.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of Samuel Clifford and others, relative to having Chesnut or Bruce alley paved or condemned as a nuisance, have examined the premises, and find the said alley to be private property, and would therefore offer the following resolution :

OWEN BOULDIN,

JESSE HAY,

SOLOMON ALLEN,

First Branch.

ASA HIGGINS,

JESSE MARDEN,

JOSEPH ROBB,

Second Branch.

Resolved, by both Branches of the City Council of Baltimore, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bandel offered the following resolution, which was read :

Resolved, by the First Branch of the City Council, That the Clerk be and he is hereby authorized and directed to withdraw from the files of the session of 1859-1860, the papers of George Shillenberg, asking the use of an alley or sewer for the drainage of his premises on Caroline street, west side, north of Fayette street, and return the same to said Shillenberg.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The committee to whom was referred the petition of Caroline Mary Emory and others, for a gas lamp in Wilson alley, about 20 feet from Park street, after a further examination of the premises, would most respectfully offer the following resolution :

CHAS. E. PHELPS,

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

JESSE MARDEN,

F. W. ALRICKS,

Second Branch.

Resolved, by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed, as soon as practicable, to put a gas lamp in Wilson alley, about 20 or 30 feet west of Park street.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Staylor called up the resolution directing the Water Engineer to have the pump at the Eastern Hay Scales, on Buren street, put in complete repair, which was read and adopted.

Mr. Staylor called up the resolution granting permission to Augustus Ballauf to extend his workshop three feet over the wall of Jones' Falls in the rear of his premises on Harrison street, said shop to be elevated at least sixteen feet above the bed of the Falls, which was read and adopted.

Mr. Chase called up the resolution directing the City Commissioners to have such a number of gas lamps as may be necessary placed on West Fayette street, between Gilmor and Fulton streets, which was read and concurred in.

Mr. Tegmeyer called up the resolution directing the City Commissioners to have the enclosure known as Lafayette Square properly graded, avenues and walks laid off, and the necessary trees and shrubbery planted in the same, and authorizing them to draw upon the Comptroller for the sum of six hundred and fifty dollars, or so much thereof as may be necessary to pay for the same, which was read.

On motion of Mr. Chase, the resolution was laid on the table.

Mr. Staylor called up the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to provide for the care and management of the Police and Fire Alarm Telegraph, and for the protection of the same,' approved June 24, 1859," which was read.

Mr. Staylor moved to fill the blank in the eighth line of section first with the words "one hundred," which was determined in the affirmative.

Mr. Staylor moved to fill the blank in the ninth line of section first with the words "two hundred," which was determined in the affirmative.

Mr. Staylor moved to fill the blank in the fourth line of the second section with the words "one hundred," which was determined in the affirmative.

Mr. Bolgiano moved to amend the ordinance by inserting after the word "discretion" in the fourth line of the second section, the words "and with the approbation of the Mayor," which was determined in the affirmative.

Mr. Staylor moved to fill the blank in the eighth line of the third section with the words "one hundred," which was determined in the affirmative.

Mr. Staylor moved to fill the blank in the ninth line of the third section with the words "two hundred," which was determined in the affirmative.

Mr. Staylor moved to further amend the ordinance by inserting after the word "same" in the sixth line of the third section, the words "except the Mayor, Fire Commissioners and Chief Engineer," which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, it was determined in the affirmative.

The Second Branch returned the resolution authorizing William Trego to build a wharf twenty by thirty feet at the lower end of Hughes street, to be attached to his present wharf, with the condition, that there shall not at any time be permitted to lay at said extension or wharf more than one vessel, provided, however, that the work shall be done under the supervision of the City Commissioners and Port Wardens, and that the same shall be removed at the expense of the petitioner within six months after notice to that effect shall be given by the Mayor, the resolution discharging the joint standing committee on Ways and Means from the further consideration of the petition of Robert K. Crawford and others, the resolution discharging the joint select committee on the Accounts of the Commissioners of the Fire Department, from the further consideration of the subject, the resolution authorizing J. Shaaff Stockett and Allen E. Forrester, jointly, to prepare full indexes to the Journals of the City Council in both Branches, for the called session of 1860 and the annual session of 1861, the resolution authorizing the Commissioners of Finance, in so far as they may deem it advisable, and as opportunity may offer, to raise money for the use of the city by sale or hypothecation of one-half in number and amount of the bonds received by the city from the Baltimore and Ohio Railroad Company, as part of the extra dividend heretofore declared by said company on the capital stock thereof; provided, that not more than one-fifth part of the said bonds shall be disposed of at any one time, and the resolution granting permission to Joseph Brent to sink a well and erect a pump in front of his premises, on the northwest corner of Chatsworth street and Chesnut alley, at his own expense, severally endorsed "concurred in."

The Second Branch returned the resolution authorizing the Mayor, in his discretion, to grant to persons the privilege of selling wrapping paper to those selling in the several markets, during market hours, endorsed "non-concurred in."

Mr. Crout called up the ordinance entitled, "An ordinance repealing ordinance No. 67 of ordinances of 1860, entitled 'an ordinance providing for the erection of a New City Hall, and the permanent investment of the McDonogh Educational Fund,' approved July 23d, 1860," and moved that the same be laid on the table and made the order of the day for to-morrow, which was determined in the affirmative.

Mr. Bolgiano called up the ordinance entitled, "An ordinance supplementary to an ordinance to establish a Police for the City of Baltimore, approved June 11th, 1858," which was read and passed.

Mr. Phelps moved to strike out the title of the ordinance and insert the following in lieu thereof: "An ordinance to provide for the lighting and cleaning of the city lamps," which was determined in the affirmative.

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance and resolutions were this day presented to the Mayor:

An ordinance to furnish work to a portion of the destitute mechanics and laboring men of the city of Baltimore.

Resolution permitting Osborn McBee to place a lamp in front of his premises.

Resolution permitting Harman Feldkamp to sink a well on his premises.

Resolution to place water mains and fire plugs on certain streets.

Resolution to repair the gutter and street on Ferry road.

Resolution to place gas lamps at certain named places.

Resolution to place flag stones across certain streets.

Resolution to place a gas lamp at the corner of Hamilton and Courtland streets.

Resolution to place gas lamps on certain streets.

Resolution in favor of the Volunteer Military Companies of the city of Baltimore.

Friday, April 5th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Staylor presented the petition of F. H. Grupy, asking permission to erect on his premises, No. 23 Grant street, a small steam engine, not exceeding twelve horse power, for the handling and splitting of leather, and for the manufacture of different articles of shoe findings, &c., which was referred to the joint standing committee on the Fire Department.

Mr. Drakeley offered the following resolution, which was read:

Resolved by the two Branches of the City Council, That the invitation of the President and Directors of the Northern Central Rail Road Company, to the Mayor and Council, to visit Roland Lake, be cordially accepted, and that the trip be taken on Tuesday next, if convenient to the Company.

On motion of Mr. Drakeley, the resolution was read a second time by special order, and adopted.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom was referred the claim of Kerr & Co. for certain advertising in the *Daily Exchange*, respectfully report that they have examined the same and find it correct. They submit the following resolution:

E. WYATT BLANCHARD,
JOHN J. STAYLOR,
JOHN BOLGIANO,

First Branch.

DECATUR H. MILLER,
JOSEPH ROBB,
JAS. B. GEORGE, Sr.,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller pay to Kerr & Co., proprietors of the *Daily Exchange*, the sum of thirty-seven dollars and ninety-two cents, the amount of their bill for certain advertising in 1860, he being first satisfied of its correctness; the amount to be provided for in the levy of 1861.

On motion of Mr. Blanchard, the resolution was read a second time by special order, and adopted.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom was referred the petition of Thomas Coburn, asking the payment of a certain sum of money therein named, submit the following report. The committee have been unable to find in the circumstances of the case, as set forth by the petitioner, any just cause why the city of Baltimore should be required to assume the loss so unfortunately imposed on the petitioner by the wrongful acts of others. They submit the following resolution :

E. WYATT BLANCHARD,
JOHN J. STAYLOR,
JOHN BOLGIANO,

First Branch.

DECATUR H. MILLER,
JOSEPH ROBB,
JAS. B. GEORGE, Sr.,

Second Branch.

Resolved by both Branches of the City Council, That the committee on Claims be discharged from the further consideration of the subject of the petition of Thomas Coburn.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Myers offered the following resolution, which was read :

Resolved by the First Branch of the City Council, That the City Commissioners and Port Warden be, and they are hereby requested to examine the condition of the harbor of the Front Basin, from Mr. Patterson's to Mr. Henderson's wharf, and state the probable cost of placing it in a condition that the shipping of large tonnage may have full ingress and egress to said wharves.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and an ordinance, entitled "An ordinance to provide against unsafe buildings in the city of Baltimore, and for the better preservation of life and property," which were read and laid on the table :

The joint standing committee on the Fire Department, to whom was referred that portion of the Mayor's message referring to buildings, having considered the same, beg leave to offer the accompanying ordinance.

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,
First Branch.

JAS. B. GEORGE, Sr.,
ASA HIGGINS,
Second Branch.

Mr. Blanchard called up the ordinance entitled "An ordinance to provide for remitting certain fines by the Mayor," which was read.

Mr. Blanchard moved to amend the ordinance by striking out the words "that part of" in the fourth line, and the words

“which belongs to the city” in the fifth line of the first section, which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, it was determined in the affirmative.

Mr. Crout called up the order of the day, being the ordinance entitled “An ordinance repealing ordinance No. 67 of ordinances of 1860, entitled ‘An ordinance providing for the erection of a new City Hall, and the permanent investment of the McDonogh Educational Fund,’ approved July 23d, 1860,” which was read.

Mr. Phelps moved that the ordinance be laid on the table, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Bouldin :

Yeas—Messrs. President, Bolgiano, Brown, Nicholas, Phelps, Allen, Chase, Hay, Tegmeyer and Crout—10.

Nays—Messrs. Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Staylor, Blanchard, Drakeley and Dixon—10.

The question recurring on the passage of the ordinance, it was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Bouldin :

Yeas—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Nicholas, Blanchard, Phelps, Allen, Chase, Dixon, Hay and Tegmeyer—17.

Nays—Messrs. Brown, Drakeley and Crout—3.

The following message was received from the Second Branch :

IN SECOND BRANCH,

Baltimore, April 5th, 1861.

Gentlemen of the First Branch :

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk*.

Mr. Myers moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

The Second Branch returned the resolution accepting the invitation of the Northern Central Railway Company to visit Roland Lake, and proposing that the trip be taken on Tuesday next if convenient to the company, the resolution directing the City Commissioners to place flag stones across Columbia street from the northwest corner, at the intersection of Fremont street to the southwest corner of said street, and the resolution granting permission to John Bullock & Sons to keep swine on their premises, not exceeding twenty-five in number at any one time, endorsed "concurred in."

A report from the joint standing committee on Claims, with a resolution referring the petition of Thomas C. Nairn, praying that certain taxes may be refunded, to the Appeal Tax Court, and directing the Comptroller to pay to the petitioner out of any money in the treasury not otherwise appropriated, such sum as shall be certified by the Appeal Tax Court to be due, were received from the Second Branch, read and laid on the table.

On motion of Mr. Nicholas, the rules were suspended to allow him to introduce an ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance providing for the prompt collection of taxes on personal property levied by the State and City,' approved 1st April, 1861, and explanatory of the same," which was read and laid on the table.

Mr. Nicholas from the joint standing committee on Ways and Means, submitted the following report, and accompanying ordinances, severally entitled "An ordinance to lay and collect a direct tax for the repairs of highways and bridges in certain parts of the City of Baltimore, and the necessary grading and masonry required for the construction of the same," "An ordinance to lay and collect a direct tax for the use of the State for the year eighteen hundred and sixty one," "An ordinance to lay and collect a direct tax for the year eighteen hundred and sixty-one," "An ordinance to provide for the payment of sundry expenses of the Criminal Court of Baltimore, arrears due on account of the late Baltimore City Court, for the City poor in the Almshouse of Baltimore City, the House of Refuge, the Aged Widows' Home, and for the Dispensaries, for the year eighteen hundred and sixty-one," "An ordinance to lay and collect a tax for the payment of certain expenses of the Courts, Jail, &c." "An ordinance to lay and collect a tax for the redemption of the Water Stock for the year eighteen hundred and sixty-one," "An ordinance to lay and collect a tax for the redemption of the Jail Stock for eighteen hundred and sixty-one," "An ordinance to create a sinking fund to redeem the stock is-

sued for rebuilding the Court House," "An ordinance to lay and collect a tax for the support of the Police of the City of Baltimore for eighteen hundred and sixty-one," and "An ordinance for the payment of the expenses of the Public Schools in the City of Baltimore, for the year eighteen hundred and sixty-one," which were read and laid on the table :

The joint standing committee on Ways and Means, to whom was referred so much of the annual communication of the Mayor as relates to the taxes of the city, respectfully report the accompanying ordinances providing for the annual levy for 1861.

J. S. NICHOLAS,
H. W. DRAKELEY,
E. WYATT BLANCHARD,
First Branch.

F. W. ALRICKS,
JAS. B. GEORGE, Sr.,
DECATUR H. MILLER,
Second Branch.

The Second Branch returned the ordinance entitled "An ordinance to regulate the Market House at Fish Market Space, east of the Centre Market Space, and to define the limit in which scaled fish may be sold," endorsed "passed."

On motion of Mr. Myers, the Branch adjourned until Monday afternoon, at five o'clock.

By order

J. SHAAFF STOCKETT, *Clerk.*

Monday, April 8th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Thomas presented the petition of Bernhard Clark, asking permission to put a platform in front of the building in course of erection on Pleasant street, between North and Davis streets, which was referred to the joint standing committee on Highways.

Mr. Bolgiano presented the petition of R. Hickley & Bro. and others, asking the passage of an ordinance requiring that the railway track on North Howard street shall be kept in good repair under a penalty, or that the same shall be removed, which was referred to the joint standing committee on Highways.

Mr. Phelps presented the petition of W. J. Smith and others, in behalf of the unemployed mechanics and workingmen of the city, which was referred to the joint standing committee on Ways and Means.

The following communication was received from the Mayor :

MAYOR'S OFFICE—CITY HALL,
Baltimore, April 8, 1861.

To the Honorable the Members

of the First Branch of the City Council :

GENTLEMEN :

I have approved of and signed the following ordinances and resolutions emanating from your body, viz :

An ordinance supplementary to an ordinance No. 21, approved April 28, 1860, providing for the purchase of a site, and the erection of an almshouse and the necessary buildings, &c.

An ordinance to furnish work to a portion of the destitute mechanics and laboring men of the city of Baltimore.

An ordinance providing for a keeper of refuse material belonging to the corporation.

Resolution to place gas lamps on certain streets.

Resolution to place a gas lamp at the corner of Hamilton and Courtland streets.

Resolution to place gas lamps at certain places.

Resolution to place flag stones across certain streets.

Resolution to place water mains and fire plugs on certain streets.

Resolution in favor of volunteer military companies in the city of Baltimore.

Resolution permitting Harman Feldkamp to sink a well on his premises.

Resolution to repair the gutter and street on Ferry road.

Resolution permitting Osborn McBee to place a lamp in front of his premises.

Resolution to repair the Marine Hospital and adjoining buildings.

Respectfully,

GEO. WM. BROWN, *Mayor*.

The Second Branch returned the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to provide for the care and management of the Police and Fire Alarm Telegraph, and for the protection of the same,'" and the ordinance entitled "An ordinance to provide for the lighting and cleaning of the city lamps," severally endorsed "passed."

The Second Branch returned the resolution directing the Water Engineer to have the pump at the Eastern Hay Scales, on Buren street, put in complete repair, the resolution directing the City Commissioners as soon as practicable to put a gas lamp on Wilson alley about twenty or thirty feet west of Park street, the resolution discharging the joint standing committee on Highways from the further consideration of the petition of Samuel Clifford and others, and the resolution granting permission to Augustus Ballauf to extend his workshop three feet over the wall of Jones' Falls, in the rear of his premises on Harrison street, said shop to be elevated at least sixteen feet above the bed of the Falls, severally endorsed "concurred in."

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and an ordinance entitled "An ordinance authorizing the Mayor, Register and Comptroller to contract for the construction of a wharf at Herring Bar in the Harbor of Baltimore," which were read and laid on the table:

The joint standing committee on the Harbor having considered the proposals for building a wharf at Herring Bar, obtained

by the Comptroller and reported to the Council, beg leave to offer the accompanying ordinance :

JACOB MYERS,

JOHN A. J. DIXON,

D. E. THOMAS,

First Branch.

WM. SWINDELL,

JESSE MARDEN,

WM. DEAN,

Second Branch.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolutions, which were read and laid on the table :

The joint standing committee on the Harbor having duly considered the report made to the City Council by the City Commissioners and Port Wardens, concerning the cleaning of the Back Basin and Jones' Falls, beg leave to offer the following resolutions :

JACOB MYERS,

JOHN A. J. DIXON,

D. E. THOMAS,

First Branch.

WM. SWINDELL,

JESSE MARDEN,

WM. DEAN,

Second Branch.

Whereas, pursuant to a resolution of the First Branch of the City Council, adopted on the 4th ultimo, the City Commissioners and Port Wardens have reported the probable cost of cleaning the Back Basin and placing it in a proper condition, and also the condition of Jones' Falls, from the Draw Bridge up to Center street, particularly as to the quantity of sediment proper to be removed and an estimate of the cost of removing the same, and also the condition of the wharves and stone walls binding on the same, and the cost to repair said wharves and stone walls;

(see First Branch Journal, pages 495 and 496,) and whereas, it is important and necessary for the health of the city, as well as the improvement of the Back Basin and Jones' Falls, that said work should be done as soon as practicable; therefore—

Resolved, by the Mayor and City Council of Baltimore, That the City Commissioners and Port Wardens be and they are hereby authorized and directed to have the sediment removed from the Back Basin, so as to allow of a uniform depth of eight feet of water at mean tide, also to have the sediment removed from Jones' Falls from its mouth to Fleet street Bridge, so as to give four feet depth of water at mean tide, and also so as to form a receptacle one hundred feet long and twelve feet deep, also to remove the surplus sediment from the Falls above Gay street Bridge to Centre street Bridge, and clean out the bed of the Falls from Fleet street Bridge to Center street Bridge, so as to give a mean depth of water from Fleet street to Gay street of two feet and six inches at mean tide, also to have repaired the breach in stone wall of Jones' Falls, which exists a little to the northward of the Front street Theatre, also to put in good order the pier on the west side of the Falls from the mouth thereof to Fleet street Bridge, and also to make the required repairs to the wharf on the north side of the Back Basin, and the wharf at the head of one of the docks on Caroline street.

Resolved further, That the following sums of money, or so much thereof as may be necessary, be and they are hereby appropriated to pay for the performance of the several items of work mentioned in the first resolution, that is to say, for cleaning out the Back Basin, eleven thousand five hundred dollars; for cleaning out Jones' Falls, from its mouth to Fleet street bridge, fifteen hundred dollars; for cleaning out Jones' Falls, from Fleet to Centre streets, nine thousand dollars; for repairing stone wall of Jones' Falls, two hundred and eighteen dollars; for repairing pier on west side of Falls, six hundred dollars; for repairing wharf in Back Basin and the wharf on one of the docks on Caroline street, one hundred dollars, said sums to be provided for in the levy for 1861.

Mr. Nicholas gave notice of his intention to ask for leave to introduce an ordinance entitled "An ordinance to repeal ordinance No. 35, entitled 'An ordinance relating to city taxation,' received in the Register's office May 16th, 1860."

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of Burns, Russell, and others, relative to the

condition of the bridge over the three pronged branch in Ridgeley street, and also the roadway, have examined the premises and would respectfully report the following resolution :

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

ASA HIGGINS,
JESSE MARDEN,
Second Branch

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby directed to raise the bridge over the three pronged branch in Ridgeley street, and to repair the road between Ostend street and the long bridge, and draw upon the Register, with the approbation of the Mayor, for the sum of \$250, or so much thereof as may be necessary, to be taken out of the annual appropriation of highways and bridges for the year 1861.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the petition of Samuel Register, asking the privilege of removing the curb stones in front of his premises, on the west side of Register street, from a straight line, to have them set in upon his footway so as to give a little more carriage room in the street, would respectfully state they have examined the premises, and consider the prayer of the petitioner reasonable and just, and should be granted. They therefore offer the following resolution :

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

ASA HIGGINS,
JESSE MARDEN,
Second Branch.

Resolved, by the Mayor and City Council of Baltimore, That Samuel Register be and he is hereby authorized to remove the curb stones in front of his premises, on the west side of Register street, from a straight line to a curve line, and not to exceed one foot, in the centre of his lot.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas gave notice of his intention to ask for leave to introduce an ordinance entitled "An ordinance to correct a discrepancy existing between revised ordinance No. 10, section 18 of 1858, and the Public General Laws, article 18, section 49, prescribing the time at which distraint for taxes unpaid may be served."

Mr. Nicholas moved a reconsideration of the vote by which the petition presented this afternoon in behalf of the unemployed mechanics and workingmen of the city was referred to the joint standing committee on Ways and Means, which was determined in the affirmative.

Mr. Nicholas, at the request of George W. Bain, chairman of the committee, who, on the part of certain working men and mechanics of the city preferred a petition this afternoon to the City Council, moved that the petitioners have leave to withdraw their petition, in order that they may consider the same and make such disposition thereof as they may think proper, which was determined in the affirmative.

On motion of Mr. Myers, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance and resolution were this day presented to the Mayor :

An ordinance providing for the appointment of a keeper of the refuse material belonging to the corporation.

Resolution to repair the Marine Hospital and adjoining buildings.

Tuesday, April 9th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented a communication from Robert Stevenson, offering to sell to the city as a site for an almshouse, his property on the Falls road, known as the Stevenson Farm, which was referred to the joint standing committee on the Almshouse.

The President presented a remonstrance from Nathaniel Williams and others, against allowing hacks to stand in Monument Square, which was referred to the joint standing committee on Police and Jail.

Mr. Thomas offered the following resolution, which was read :

Resolved, by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to have seventeen shade trees planted in Jackson Square, in place of those that are dead, and also to have the fences and tree boxes repaired, provided that the cost of the same does not exceed the sum of fifty dollars, the same to be taken out of any monies in the treasury not otherwise appropriated.

On motion of Mr. Thomas, the resolution was read a second time by special order.

Mr. Yeisley moved that the resolution be laid on the table, which was determined in the affirmative.

Mr. Nicholas asked and obtained leave to introduce an ordinance entitled, "An ordinance to repeal ordinance No. 35, entitled, 'An ordinance relating to city taxation,' received in the Register's office May 16th, 1860," which was read and laid on the table.

Mr. Nicholas asked and obtained leave to introduce an ordinance entitled, "An ordinance to correct a discrepancy existing between Revised Ordinance No. 10, sec. 18, of 1858, and the Public General Laws, art. 18, sec. 49, prescribing the time at which distraint for taxes unpaid may be served," which was read.

On motion of Mr. Nicholas, the ordinance was read a second time, by special order, and passed.

Mr. Nicholas gave notice of his intention to ask for leave to introduce an ordinance entitled "Supplement to ordinance No. 6 of revised ordinances, entitled 'An ordinance relative to the public debt of the city of Baltimore,' approved June 11th, 1858."

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom was referred the petition of Timothy Crimmin and others, praying the return of taxes paid in error, respectfully report the annexed resolution:

E. WYATT BLANCHARD,
JOHN BOLGIANO,
JOHN J. STAYLOR,
First Branch.

DECATUR H. MILLER,
JAS. B. GEORGE, Sr.,
JOSEPH ROBB,
Second Branch.

Resolved by both Branches of the City Council, That the petition of Timothy Crimmin and others be, and the same is hereby referred for decision to the Appeal Tax Court, and that the Comptroller pay to the petitioners such sum as said Court shall certify to be due.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the ordinance entitled "An ordinance repealing ordinance No. 67 of ordinances of 1860, entitled 'An ordinance providing for the erection of a new City Hall, and the permanent investment of the McDonogh Educational Fund,' approved July 23d, 1860," and the ordinance entitled "An ordinance to provide for remitting certain fines by the Mayor," severally endorsed "passed."

The Second Branch returned the resolution authorizing the Comptroller to pay to Kerr & Co., proprietors of the Daily Ex-

change, thirty-seven dollars and ninety-two cents, the amount of their bill for certain advertising in 1860, and the resolution discharging the joint standing committee on Claims from the further consideration of the petition of Thomas Coburn, severally endorsed "concurred in."

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read and laid on the table :

The joint standing committee on the Fire Department, to whom was referred the Report of the Board of Fire Commissioners and Chief Engineer, find in said report a recommendation to place more fire plugs in the vicinity of the recent fire on Baltimore street, near Charles ; the Chief Engineer states that on the occasion of the fire referred to the supply was insufficient for all the engines of the Department, and consequently a much greater loss was incurred than would have been had there been a full supply of water.

The Chief Engineer also refers to the fact that all the plugs in the neighborhood referred to are supplied by a four inch main, and it is self-evident that the supply must be inadequate thereby. The committee have had an interview with the Fire Commissioners and Chief Engineer, and have understood that an eight inch main will be all-sufficient for a full supply, if laid in certain streets.

They therefore beg leave to offer the following resolution :

JOHN J. STAYLOR,

JESSE HAY,

J. H. TEGMEYER,

First Branch.

JAS. B. GEORGE, Sr.,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch.

Resolved, by the Mayor and City Council of Baltimore, That the Board of Water Commissioners be and they are hereby directed to have water pipes laid from the intersection of Cowpen alley and Liberty street to Baltimore street, Baltimore street to Hanover street, Hanover street to German street, connecting with the six inch main on German street ; and also to make a

connection at the corner of Charles and German streets extending to Fayette street, and not less than an eight inch main, and also directed to place a steam fire plug at the corner of Liberty and Baltimore streets, Hanover and Baltimore streets, and Charles and Baltimore streets, and that the sum of fifteen hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay the expense of the same, the amount to be provided for in the annual levy for 1861.

Mr. Bolgiano gave notice of his intention to ask for leave to introduce an ordinance entitled "An ordinance for the appointment of Reviewers of Flour."

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read:

The joint standing committee on Water, to whom was referred the petition of Mathew McClintock and others, asking to have a pump on Orleans street, near Ann street, put in order, have examined the subject and are of opinion that the request of the parties should be granted, and beg leave to offer the following resolution:

THOS. J. BROWN,

J. H. TEGMEYER,

SOLOMON ALLEN,

First Branch.

JOSEPH ROBB,

DECATUR H. MILLER,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Water Commissioners be, and they are hereby authorized and directed to have the pump on Orleans street, near Ann street, repaired at the expense of the city, to be taken out of the annual appropriation for the repairs of pumps for the year 1861.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard called up the resolution referring the petition of Thomas C. Nairn, praying that certain taxes may be refunded, to the Appeal Tax Court, and directing the Comptroller to pay to the petitioner out of any money in the treasury not otherwise appropriated such sum as shall be certified by the Appeal Tax Court to be due, which was read and concurred in.

Mr. Blanchard called up the resolution authorizing and empowering the Mayor to employ some competent person as often as occasion may require, and when in his opinion the interests of the city will thereby be promoted, to aid the City Counsellor in the examination of the titles and conveyances of property in which the city of Baltimore is, or may be interested, and in the examination of titles in cases connected with the proper discharge of the duties of any branch of the city government, and in preparing cases for trial, in which the city of Baltimore is, or may be interested, and in which testimony may be properly taken, the person so employed to act under the direction of the City Counsellor, and to be employed not permanently, but only to the extent and when, in the opinion of the Mayor, such employment is proper and necessary ; and further, authorizing the Mayor to employ some competent person, if he should deem this necessary, and to the extent he may deem it necessary so to do, to collect and put in a book or books, in some simple and intelligent form, abstracts of conveyances and titles of city property, inclusive of wharf property, with all proper details, plats, descriptions and alphabets for reference, and showing the rents and incomes of the parts under rent or lease, and where unproductive, estimating the probable value thereof, which book or books, when completed, shall be deposited for safe keeping and use in the office of the Register of this city, and that all additions and changes shall be noted in the said book or books as they may occur in such manner as may be directed by the Mayor, which was read.

On motion of Mr. Nicholas, the resolution was laid on the table.

X Mr. Blanchard, from the joint select committee on the City Passenger Railway, submitted the following report and resolutions, which were read and laid on the table :

The joint select committee to whom was referred so much of the Mayor's Message as relates to the City Passenger Railway, respectfully submit their Report.

Any one who reflects on the extent of the interests involved in the determination at which the City Council may arrive, will appreciate the diffidence with which the committee now present the results of their deliberations. A brief sketch of the history of the City Passenger Railway Association is a proper introduction to the action proposed by the committee.

By ordinance No. 44, approved March 28th, 1859, Wm. H. Travers and others, "and those who now are or may hereafter

become associated with them and their assigns," received authority to construct a system of railways on certain streets in our city. To this grant were attached certain obligations to be performed on the part of the Association. Chief among these we find the duty imposed by the seventh section, which requires that books shall be opened by "the Association for the purpose of receiving subscriptions to the capital stock of said City Railways." The grantees named in the ordinance assigned all their interest, within three or four days after it became a law, and their assigns became and continue the owners of the grant and of the road. It appears from the evidence taken before a committee of the Legislature of Maryland, during the session of 1860, that the parties to whom this assignment was made, and who, by the assignment, certainly became the "Association" within the meaning of the seventh section of the ordinance, obtained the opinion of counsel, that they were not bound and could not be compelled to comply with the provisions of the seventh section. Your committee not having before them the opinions referred to, cannot state the reasons on which they were founded. There is no doubt, however, that the seventh section could not have been executed in strict accordance with its terms. The Mayor and City Council did not, and could not, incorporate the "Association," nor had the ordinance fixed the capital stock, the number of shares, or given any authority whatever to issue stock. The *purpose* and *intent* of the seventh section could, however, have been carried out, as good faith demanded, though its provisions could not have been strictly complied with. The course pursued by the Association affords proof of this assertion. To obviate some of the difficulties incident to being mere partners, as distinguished from stockholders in an incorporated company, the owners of the road have entered into articles of agreement which vest their whole property in the enterprise in trustees, and represent it by a fixed number of shares of stock. The interest of each partner is represented by a certain amount of stock, and he is entitled to an influence in the management proportioned to the number of shares owned by him.

Why could not this same contract have been drawn up when first the grant was purchased, and parties desirous to engage in the enterprise invited to join the Association, on the terms deemed necessary for the protection of all interested in the road? We cannot but conclude that the Association, having become possessed of the franchise, from the first determined to enjoy it on their own terms, and in entire disregard of the true intent of the ordinance.

Such having been the conduct of the Association, were their interest here to-day a *mere* franchise, as was the case when they

commenced to build their road, every legal means should be used to prevent this violation of their obligations.

But the authorities of the city who were in office at the time when the actual work began, opposed only a feeble remonstrance to its progress; and there exists to-day not a mere franchise, but a system of railways, constructed and equipped at great cost.

In dealing with this subject in the position imposed on the city and the association, by the course of our predecessors in office, we have to deal with several interests which have arisen in consequence of the acquiescence of the city authorities in the course of the association. First in importance is the public convenience. Our people are dependent for facilities of travel on the continued operation of the railroad, which has become a public necessity.

Again, the city has been deriving a large revenue from the road for a considerable period. This revenue is pledged for the payment of the interest on our Park stock, and what remains after payment of interest is of great importance for the development and improvement of our parks.

So far as the Association is concerned, it is to be remembered that it has made a very large investment of money here, and that the authorities of the city, who should have interfered at the commencement of the expenditure, have stood by and acquiesced in act, if not in word, in the violation of their own ordinances. It may be urged that the original wrong is unchanged by the assent of the late City Government; but we cannot but think that this large pecuniary interest has, under the circumstances, an equitable claim to protection, and is to be considered in determining the action of the City Council.

The manner in which these various interests will be affected is to be gravely considered. We have it in our power to select one of two lines of conduct: we may repudiate altogether, or recognize the ordinance as a contract and see that it be executed.

It is extremely doubtful whether the city has the power to make a valid grant of the privileges conferred by the ordinance. Looking to the circumstances under which the grant was obtained, to the conduct of the Association since, and to the grave doubts of its validity, we might be justified in repudiating it altogether, and repeal the ordinance.

The objections to this course are manifest. Apart from the injustice done the Association by thus putting at risk their investment, the city would be powerless, if assuming this course, to confer on any other parties the power to carry on the road, even if successful in the effort to dispossess the present owners. If the grant of 1859 is invalid for want of power, any grant in 1861 would be open to the same objection. This course might

result in compelling the Association to abandon the enterprise and carry their equipment elsewhere, to the great detriment of our people. It would certainly deprive the city of the revenue derived from the road, and now pledged to the holders of Park Stock for the payment of their interest.

We think that to repudiate the grant would be injurious to the interests of the city, and would probably lead only to harassing litigation, resulting in no practical benefit either to our people or the Association.

The other course open to us, and which is suggested by the Mayor, is to make an arrangement with the Association, which shall be equitable in its character, and tend to secure the various interests already referred to. In adopting this course, the City Council will accept the existing position in which the city is placed, and in so far as it can, will remedy what has been wrongly done already, and provide additional securities for the future. Your committee hope that the City Council will agree with them in thinking this the only wise and just course to be adopted, and suggest the following propositions as the basis of a new arrangement.

In order to approximate to an execution of the seventh section, with a due regard to the risk incurred, and the time and energy bestowed by the Association in the construction and working of the road, we propose that they be required to offer for sale at cost, with a due allowance for interest, one-half of the whole number of shares of stock by which the property is now represented under their articles of agreement. That for this purpose, books shall be opened in this city within a limited time, and after due notice by advertisement. That persons desiring to take stock shall be required to subscribe and pay for the same within a limited time, and shall sign the agreement under which the road is now held and worked. This is but an incomplete observance of the ordinance, but its literal execution is impossible.

For the greater security of the city against delay or delinquency in the payment of the Park tax, we propose the following plan: The Association shall make weekly deposits of one-fifth of their gross receipts to the joint credit of the City Register and the treasurer of the Association. A separate bank account of the money payable to the city has been kept since February 1st, but as this is always subject to the draft of the treasurer, pecuniary difficulties may again induce the Association to apply this fund in payment of other obligations. By the plan proposed, the fund is set apart as it is received, and the present delay in payment can scarce occur again. The accounts of the Association should, from time to time, be open to inspection by the Comptroller, as a proper and necessary security

to the city. The quarterly settlement of accounts at present adopted need not be changed, but a time should be limited within which the account should be stated and the settlement made.

Any difficulty or obstruction to travel resulting from improper laying of the track or the necessity for repair, may be remedied by the City Commissioners under the provisions of existing ordinances, and we do not think any further legislation necessary.

Some of the lines of road have not been completed, and others have not been commenced. The Association should be required to complete the Baltimore street line, which has never been finished to the city limits on West Baltimore street, and is not worked even to its present terminus. The road from the city limits through Charles and other streets to Canton has been partly built at the Eastern end. We do not think that the public convenience would be promoted by the construction of a road on that part of the route from Baltimore through South street, Exchange Place, Lombard, and other streets, to Alice Anna street. The Baltimore street line now accommodates the travel, the route is nowhere at any great distance from Baltimore street, and in the crowded thoroughfares of our business centre the road would be a serious obstruction, rather than a convenience to the public.

We recommend that the road should be constructed from the city limits along Charles and the other streets named in the ordinance to Baltimore street, and there end. In case an arrangement is made with the Association, we propose that the time limited for its construction be extended one year to March 28th, 1862.

The Mayor has called our attention to one feature in the ordinance, by virtue of which a grant nominally to expire in 15 years, will in practice become perpetual. We refer to the fact that the privilege is renewable, and can only be extinguished by the purchase of the entire "stock and interest" of the Association. In purchasing under this provision, the city would buy back its own grant, and require its tax-payers to purchase, not only a certain amount of tangible property, but the privilege of using the streets. In view of the grave doubts of the power of the corporation thus permanently to alienate the use of its streets, we think that a change should be required. We propose that instead of buying the "stock and interest" of the Association, the city should be at liberty, at the end of the 15 years of the grant, to buy the railroad track at an equitable valuation, looking to the cost of material and construction, as well as its then condition. As the ordinance stands, we have the routes of travel and the rates of fare fixed permanently, or to be changed on terms which can never be complied with. Fifteen years

hence it may be very desirable to change some of the lines to other streets, which can easily be accomplished if this modification is made. For another reason we consider it important that the city should become the owner of the track. If our city should extend during the coming, as it has during the past ten years, the increase of population and of travel may enable a railroad company to carry passengers at lower rates than those provided by the ordinance.

Should the city buy the track, proposals should be invited, and a contract made with those who would work the road for another term of fifteen years on the terms most favorable to the city and our people. In making this modification of the grant, it will be necessary to provide for the protection of the property of those who may cease to be the proprietors of the road at the end of fifteen years, and have depots, cars, stock, &c., thrown on their hands. To afford this protection, the contractors with the city, before entering upon the use of the road, should be compelled to purchase, at a fair valuation, the whole equipment of the former proprietors.

If it should not be considered desirable for the city to buy the track at the end of the present term of fifteen years, the Association will continue in possession under the ordinance, on the same terms as at present, and at the same rate of fare.

Your committee have presented these proposed changes for your consideration, as the basis for a settlement of existing difficulties. It is obvious that the most effectual mode of carrying out the suggestions of your committee, is to embody them in a carefully prepared contract, to be executed by the Association and such person as may be designated by the City Council to act for the city. In this mode alone can all interests be effectually guarded and secured. Such a contract should contain a stipulation on the part of the Association regulating the charter to be applied for by them when next they make application to the Legislature of Maryland, in order that the arrangement, if made, may be final.

Your committee have good reasons for believing that a settlement on the basis of the foregoing propositions will be accepted by the Association. We may, however, be disappointed in this expectation. The Association may prefer to insist on such rights as it now has under its grant. Should this course be pursued, we cannot recommend that the city should tamely submit to continued violations of its ordinances, and of the obligations of the Railway Association. We must, in that event, invoke the aid of the Courts, and your committee recommend that the Mayor be empowered to take such action as in his judgment may be most effectual for the protection of the city, and the due en-

forcement of its ordinances. We submit for your action the following resolutions :

E. WYATT BLANCHARD,
JACOB MYERS,
J. H. TEGMEYER,
First Branch.

F. W. ALRICKS,
WM. DEAN,
JOSEPH ROBB,
Second Branch.

Resolved, by the Mayor and City Council of Baltimore, That the Mayor be and he is hereby empowered to have a contract prepared by the City Counsellor, in accordance with the recommendations of the foregoing report, and whenever the same is approved and signed by the proper officers of the City Passenger Railway Association, to sign the same for and on behalf of the Mayor and City Council of Baltimore.

And be it further resolved, That in case the said City Passenger Railway Association shall refuse to accept and execute said contract, the Mayor be and he is hereby authorized to institute such proceedings against the Association as may be necessary for the due protection of the interests of the city of Baltimore.

On motion of Mr. Bandel, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, April 10th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Myers presented the petition of Thomas Bradyhouse, asking to be allowed to continue the use of a portion of the footway in front of his premises, at the foot of Bond street, for the repairing and painting of boats connected with his business, which was referred to the joint standing committee on Highways.

Mr. Bandel presented the petition of Christian Leutbecker, asking that a certain frame improvement lately made by him to Washington Hall may be suffered to remain, which was referred to the joint standing committee on the Fire Department.

Mr. Bandel presented the petition of W. L. Garitee and others, in behalf of the unemployed mechanics and workingmen of the city, which was referred to the joint standing committee on Ways and Means.

Mr. Drakeley presented the remonstrance of Otho W. Eichelberger and others, against allowing John G. McCullough to erect a steam engine on his premises at the northwest corner of Pratt and Fremont streets, which was referred to the joint standing committee on the Fire Department.

Mr. Hay presented the petition of John McGee and others, asking the repeal of the ordinance for widening Fayette street, between Calvert and Holliday streets, which was referred to the joint standing committee on Highways.

Mr. Crout presented the petition of the Superintendents of Streets, asking for an alteration in the revised ordinance No. 19 of 1858, prescribing their duties, which was referred to the joint standing committee on Health.

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read:

The joint standing committee on Water, to whom the petition of Jacob Frush and others was referred, requesting that a new pump may be placed in the well on Caroline street, opposite the

public school house, respectfully report that they have examined the subject, and beg leave to submit the following resolution :

THOS. J. BROWN,
J. H. TEGMEYER,
SOLOMON ALLEN,
First Branch.
DECATUR H. MILLER,
JOSEPH ROBB,
Second Branch.

Resolved, by the Mayor and City Council of Baltimore, That the Water Commissioners be and they are hereby authorized to have a new pump placed in the well on Caroline street, opposite the public school house, provided in their opinion the public convenience requires it, the expenses thereof to be taken out of the appropriation for 1861.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

Mr. Hay offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That fifty dollars, or so much thereof as may be needed, be, and the same is hereby appropriated for the trimming of the trees and repairing the benches at Union square, and that the Comptroller be authorized to pay the same out of any money not otherwise appropriated.

On motion of Mr. Hay, the resolution was read a second time, by special order.

On motion of Mr. Staylor, the resolution was laid on the table.

The following communication was received from the Commissioners for Opening Streets, and on motion of Mr. Bouldin referred to the City Counsellor :

OFFICE OF THE COMMISSIONERS FOR OPENING STREETS,
Baltimore, April 10th, 1861.

*To the Honorable the Members of the
First Branch of the City Council:*

GENTLEMEN :

The Commissioners for Opening Streets have received a communication from your Honorable Body, requesting them to in-

form you why the obstructions have not been removed from the bed of Fort street. In reply, the Commissioners beg to say that the trouble originates in the distribution of an award for damages to certain parties whose property was taken for the opening of said street, the particulars of which can be had of the Comptroller of the city, he having refused for certain reasons to pay over to the party claiming.

By order of the Commissioners,

PHILIP T. DAWSON,

Clerk to the Board.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read and laid on the table :

The undersigned, joint standing committee on Health, to whom was referred the communication of Dr. Charles H. Bradford, Commissioner of Health and City Physician, on Marine Hospital accounts, respectfully report that they regret that this state of affairs has existed, but trust that in the future the ordinances of the city relating to the Marine Hospital will be strictly adhered to ; they therefore recommend the adoption of the following resolution :

D. E. THOMAS,

JOHN BOLGIAÑO,

H. H. CHASE,

First Branch.

JOHN W. WILLSON,

ASA HIGGINS,

WM. DEAN,

Second Branch.

Resolved, by the Mayor and City Council of Baltimore, That the Commissioner of Health and City Physician hand over the unpaid accounts to the Comptroller for thorough examination, and if correct that they be paid.

The Second Branch returned the resolution authorizing Samuel Register to remove the curb stones in front of his premises on the west side of Register street, from a straight line to a curve line, and not to exceed one foot in the centre of his lot, and the

resolution directing the City Commissioners to raise the bridge over the three pronged branch in Ridgeley street, and to repair the road between Ostend street and the long bridge, and draw upon the Register, with the approbation of the Mayor, for the sum of two hundred and fifty dollars, or so much thereof as may be necessary, severally endorsed "concurrent in."

Mr. Myers called up the ordinance entitled "An ordinance authorizing the Mayor, Register and Comptroller to contract for the construction of a wharf at Herring Bar, in the harbor of Baltimore," which was read.

On motion of Mr. Bolgiano, the ordinance was laid on the table.

Mr. Nicholas asked and obtained leave to introduce an ordinance entitled "Supplement to ordinance No. 6 of revised ordinances, entitled 'An ordinance relative to the public debt of the city of Baltimore,' approved June 11, 1858," which was read and laid on the table.

Mr. Nicholas offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the petitions of certain citizens to the late City Council, relative to the closing of Conway street, be withdrawn from the files of the City Register, for the use of the present City Council.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

Mr. Bandel, from the joint standing committee on City Property, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on City Property, to whom was referred the petition of George J. Schellenberger, asking the use of an alley through the rear part of the lot attached to Male and Female Primary School No. 20, on the corner of Caroline and Holland streets, for the purpose of a drain of his premises adjoining said Public School north, have had the same under consideration, and after a careful examination of the premises, conclude that his prayer may be granted without the slightest inconvenience to the school property. Nevertheless, in order that the Commissioners of Public Schools may be consulted,

with proper deference to their responsibility, as having charge of the school property, we respectfully report the following resolution :

GEO. S. BANDEL,

THOS. J. BROWN,

First Branch.

JAS. B. GEORGE, Sr.,

WM. DEAN,

WM. SWINDELL,

Second Branch.

Resolved, by the Mayor and City Council of Baltimore, That the Board of Commissioners of Public Schools be and they are hereby authorized, in the exercise of their judgment, to grant to George J. Schellenberger the use of a sufficient portion of the rear end of the lot attached to Male and Female Primary School No. 20, as will afford him a drain or outlet for the water from his premises, and for other purposes, as they may see fit, the same to be discontinued upon sixty days notice by the Mayor.

Mr. Bandel called up the resolution repealing the resolution entitled, "Resolution in reference to the City Printing," approved December 9, 1858, and authorizing the Register of the City, in making the next contract for the printing for the Corporation, to exempt all the reports and other printing of the heads of departments from the said contract, which was read.

On motion of Mr. Bandel, the resolution was referred to the joint special committee on Public Printing.

Mr. Bolgiano asked and obtained leave to introduce an ordinance entitled, "An ordinance for the appointment of Reviewers of Flour," which was read and laid on the table.

Mr. Myers called up the resolutions authorizing the City Commissioners and Port Wardens to have the sediment removed from the Back Basin, so as to allow of a uniform depth of eight feet of water at mean tide, also to have the sediment removed from Jones' Falls from its mouth to Fleet street Bridge, so as to give four feet depth of water at mean tide, and also so as to form a receptacle one hundred feet long and twelve feet deep, also to remove the surplus sediment from the Falls above Gay street Bridge to Centre street Bridge, and clean out the bed of the Falls from Fleet street Bridge to Centre street Bridge, so as to give a mean

depth of water from Fleet street to Gay street of two feet and six inches at mean tide, also to have repaired the breach in stone wall of Jones' Falls, which exists a little to the northward of the Front street Theatre, also to put in good order the pier on the west side of the Falls from the mouth thereof to Fleet street Bridge, and also to make the required repairs to the wharf on the north side of the Back Basin, and the wharf at the head of one of the docks on Caroline street; and appropriating the following sums of money, or so much thereof as may be necessary to pay for the performance of the several items of work above mentioned, that is to say, for cleaning out the Back Basin, eleven thousand five hundred dollars; for cleaning out Jones' Falls, from its mouth to Fleet street bridge, fifteen hundred dollars; for cleaning out Jones' Falls, from Fleet to Centre streets, nine thousand dollars; for repairing stone wall of Jones' Falls, two hundred and eighteen dollars; for repairing pier on west side of Falls, six hundred dollars; for repairing wharf in Back Basin and the wharf on one of the docks on Caroline street, one hundred dollars, which was read.

Mr. Phelps moved to amend the resolution by adding the following as an additional section, which was determined in the affirmative:

And be it further resolved, That the Board of Labor Commissioners heretofore appointed shall, from time to time, recommend suitable persons to the said City Commissioners and Port Wardens, for employment on the said improvement; and it shall be the duty of the said City Commissioners and Port Wardens to employ such persons as may be so recommended, provided they be competent and can be profitably employed.

The question recurring on the adoption of the resolution as amended, it was determined in the affirmative.

On motion of Mr. Bandel, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance and resolution were this day presented to the Mayor:

An ordinance to regulate the Market House at Fish Market Space, east of Centre Market Space, and to define the limit in which scaled fish may be sold.

Resolution directing the Commissioners of Finance to dispose of certain bonds by sale or hypothecation.

Thursday, April 11th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Thomas presented the protest of the Trustees of the Light Street Methodist Episcopal Church against the abridgement of the side walk on said street, which was referred to the joint standing committee on Highways.

Mr. Blanchard presented the remonstrance of Ramsay McHenry and others against the repeal of the ordinance for widening Fayette street, between Calvert and Holliday streets, which was referred to the joint standing committee on Highways.

Mr. Blanchard presented the petition of Rezin Hammond, asking to have certain money refunded to him, which was referred to the joint standing committee on Ways and Means.

Mr. Blanchard presented the petition of William H. Dorsey and wife, and Joseph H. Craggs, asking to have certain money refunded to them, which was referred to the joint standing committee on Ways and Means.

Mr. Dixon presented the remonstrance of David Keener and others, against the repeal of an ordinance directing Messrs. Burns & Sloan and Michael Dorsey to remove a pier on Light street wharf, which was referred to the joint standing committee on the Harbor.

Mr. Tegmeyer presented a communication from Henry Knell, on behalf of the Lafayette Square Company, proposing to loan to the city the sum of six hundred and fifty dollars for two years, without interest, for the improvement of said Square, which was referred to the joint standing committee on City Property.

Mr. Crout offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to have flag-stones laid across Ross street, opposite Biddle alley, the cost of the same to be taken out of the levy of 1861.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

Mr. Bandel called up the resolution authorizing the Board of Commissioners of Public Schools, in the exercise of their judgment, to grant to George J. Schellenberger the use of a sufficient portion of the rear end of the lot attached to Male and Female Primary School No. 20, as will afford him a drain or outlet for the water from his premises, and for other purposes, as they may see fit, the same to be discontinued upon sixty days' notice by the Mayor, which was read and adopted.

Mr. Thomas called up the resolution directing the City Commissioners to have seventeen shade trees planted in Jackson Square, in place of those that are dead, and to have the fences and tree boxes repaired, provided the cost of the same does not exceed fifty dollars, which was read and adopted.

The Second Branch returned the ordinance entitled, "An ordinance to correct a discrepancy existing between Revised Ordinance No. 10, sec. 18, of 1858, and the Public General Laws, Art. 18, sec. 49, prescribing the time at which distraint for taxes unpaid may be served," endorsed "passed."

The Second Branch returned the resolution directing the Water Commissioners to have the pump on Orleans street, near Ann street, repaired, and the resolution referring the petition of Timothy Crimmin and others for decision to the Appeal Tax Court, and authorizing the Comptroller to pay the petitioners such sum as said Court shall certify to be due, severally endorsed "concurred in."

Mr. Bandel called up the resolutions requesting the Board of Police Commissioners to have an accurate census taken of all the persons residing in the city of Baltimore, on some one day in the month of May next, distinguishing between the sexes, and between the white population, free persons of color, and slaves, and making it the duty of the Comptroller to furnish the said Board of Police Commissioners with such books and stationery as may be required for the purpose aforesaid, and appropriating one hundred dollars, or so much thereof as may be necessary for the same, which was read and rejected by the following vote, the yeas and nays being required by Mr. Bandel:

Yeas.—Messrs. Bandel, Staylor, Phelps, Chase, Hay, and Crout—6.

Nays.—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Brown, Blanchard, Drakeley, Allen, Dixon, and Tegmeyer—12.

Mr. Blanchard offered the following resolution, which was read and referred to the joint standing committee on Police and Jail:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to place gas lamps on the south-east corner of Eager and Calvert streets, and midway between Eager and Read streets on the eastern side of Calvert street.

Mr. Blanchard offered the following resolution, which was read and referred to the joint standing committee on Police and Jail:

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized and required to have gas mains laid on Calvert street between Read and Eager streets.

Mr. Dixon called up the resolution directing the City Commissioners to abate a nuisance, which was read, and on motion of Mr. Brown laid on the table.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Staylor moved the appointment of a committee to invite the Second Branch into convention, which was determined in

the affirmative, and the President appointed Messrs. Staylor and Bandel, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Bandel called up the ordinance entitled "A supplement to an ordinance entitled 'An ordinance to lay out a public square in the northwestern section of the city of Baltimore,' approved April 23d, 1839," which was read and passed.

On motion of Mr. Phelps, the Branch adjourned until tomorrow afternoon at five o'clock.

By order

J. SHAAFF STOCKETT, *Clerk.*

Friday, April 12th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Bolgiano presented the petition of Mary Ann O'Laughlen, asking to have the fountain on North Calvert street, between Bath and Franklin streets, lowered, so as to allow the water to run off in the gutter, which was referred to the joint standing committee on Water.

Mr. Drakeley presented a proposal from Thomas Lister and James Foos to build an addition to the Lexington Market House, accompanied with an ordinance from them to carry the same into effect, which was referred to the joint standing committee on Markets.

The President presented the petition of George Drexler, asking to be allowed to keep hogs on his premises at the extreme end of Franklin street, which was referred to the joint standing committee on Health.

The Second Branch returned the resolution authorizing the Water Commissioners to have a new pump placed in the well on Caroline street, opposite the Public School, provided in their opinion the public convenience requires it, and the resolution authorizing the City Commissioners and Port Wardens to have the sediment removed from the Back Basin, so as to allow of a uniform depth of eight feet of water at mean tide, also to have the sediment removed from Jones' Falls from its mouth to Fleet street bridge, so as to give four feet depth of water at mean tide, and also so as to form a receptacle one hundred feet long and twelve feet deep, also to remove the surplus sediment from the Falls above Gay street bridge to Centre street bridge, and clean out the bed of the Falls from Fleet street bridge to Centre street bridge, so as to give a mean depth of water from Fleet street to Gay street of two feet and six inches at mean tide, also to have repaired the breach in stone wall of Jones' Falls, which exists a little to the northward of the Front street Theatre, also to put in good order the pier on the west side of the Falls from the mouth thereof to Fleet street bridge, and also to make the required repairs to the wharf on the north side of the Back Basin, and the wharf at the head of one of the docks on Caroline street; appropriating the following sums of money, or so much thereof as may be necessary to pay for the performance of the several items of work above mentioned, that is to say, for cleaning out the Back Basin, eleven thousand five hundred dollars; for cleaning out Jones' Falls, from its mouth to Fleet street bridge, fifteen hundred dollars; for cleaning out Jones' Falls, from Fleet to Centre streets, nine thousand dollars; for repairing stone wall of Jones' Falls, two hundred and eighteen dollars; for repairing pier on west side of Falls, six hundred dollars; for repairing wharf in Back Basin and the wharf on one of the docks on Caroline street, one hundred dollars, and authorizing the Board of Labor Commissioners heretofore appointed, from time to time to recommend suitable persons to the City Commissioners and Port Wardens for employment on the said improvement, and making it the duty of the City Commissioners and Port Wardens to employ such persons as may be so recommended, provided they be competent and can be profitably employed, severally endorsed "concurred in."

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, April 12th, 1861.

Gentlemen of the First Branch :

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Staylor moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the petition of Bernhard Clark, asking permission to put a platform in front of the building in course of erection on Pleasant street, having examined the subject are of opinion that the prayer of the petition should be granted. They therefore offer the following resolution :

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That Bernhard Clark be, and he is hereby permitted to erect a platform in front of the building now in the course of erection on the north side of Pleasant street, in the second story thereof, and not to exceed two and a half feet from the building line of said house.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the petition of F. H. Grupy, asking permission to use a platform in front of his premises No. 42 South Calvert street, have examined the premises and are of the opinion that the prayer of the petitioner should be granted, they therefore beg leave to offer the following resolution :

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That F. H. Grupy be, and he is hereby permitted to use the platform as formerly used in front of his premises No. 42 South Calvert street, subject to be removed after sixty days notice from the Mayor.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Crout, the rules were suspended to allow him to introduce an ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to provide for the appointment of Superintendents of Streets, and to prescribe their duties,' approved May 31, 1858," which was read and laid on the table.

Mr. Staylor called up the resolution directing the Board of Water Commissioners to have water pipes laid from the intersection of Cowpen alley and Liberty street to Baltimore street, Baltimore street to Hanover street, Hanover street to German street, connecting with the six inch main on German street; and also to make a connection at the corner of Charles and German streets extending to Fayette street, and not less than an eight inch main, and also directed to place a steam fire plug at the corner of Liberty and Baltimore streets, Hanover and Baltimore streets, and Charles and Baltimore streets, and appropria-

ting the sum of fifteen hundred dollars, or so much thereof as may be necessary to pay the expense of the same, the amount to be provided for in the annual levy of 1861, which was read.

Mr. Staylor moved to amend the resolution by striking out the figures "1861" in the last line, and inserting in lieu thereof the figures "1862," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail, to whom was referred the resolution directing gas mains to be laid on Calvert, between Read and Eager streets, respectfully recommend that it be adopted :

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

JESSE MARDEN,

F. W. ALRICKS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized and required to have gas mains laid on Calvert street, between Read and Eager streets.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail, to whom was referred the resolution directing the erection of two gas

lamps on Calvert street, between Read and Eager streets, respectfully recommend that it be adopted :

H. H. CHASE,
THOS. J. BROWN,
First Branch.

WM. DEAN,
JESSE MARDEN,
F. W. ALRICKS,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to place gas lamps on the southeast corner of Eager and Calvert streets, and midway between Eager and Read streets, on the eastern side of Calvert street.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Bolgiano called up the ordinance entitled "An ordinance for the appointment of Reviewers of Flour," which was read.

On motion of Mr. Crout, the ordinance was laid on the table.

Mr. Blanchard called up the resolutions empowering the Mayor to have a contract prepared by the City Counsellor in accordance with the recommendations of the report accompanying the resolutions, and whenever the contract is approved and signed by the proper officers of the City Passenger Railway Association, to sign the same for and on behalf of the Mayor and City Council of Baltimore, and should the said City Passenger Railway Association refuse to accept and execute said contract, then to institute such proceedings against the Association as may be necessary for the due protection of the interests of the city of Baltimore, which were read.

On motion of Mr. Nicholas, the resolutions were laid on the table, and made the order of the day for Tuesday next.

Mr. Bolgiano presented the annual report of the Northeastern Dispensary for the year 1860, asking the usual appropriation of five hundred dollars, which was read and laid on the table.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and an ordinance entitled "An ordinance making appropriations for the year eighteen hundred and sixty-one," which were read and laid on the table:

The joint standing committee on Ways and Means of the City Council of Baltimore, respectfully report to the Council the accompanying ordinance to make the annual appropriations for the year 1861, and recommend the passage of the same:

J. S. NICHOLAS,

E. WYATT BLANCHARD,
First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,
Second Branch.

Mr. Dixon called up the resolution directing the City Commissioners to abate a nuisance, which was read.

Mr. Dixon moved to amend the resolution by inserting after the word "Commissioners" in the second line, the words "and Health Commissioners," and striking out all after the word "the" in the last line and inserting in lieu thereof the words "dirt and filth which have accumulated on a part of the bed of Hamburg and Third streets removed," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Hay called up the resolution appropriating fifty dollars, or so much thereof as may be necessary, for trimming the trees and repairing the benches in Union Square, which was read and adopted.

Mr. Belgiano offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the Water Board be respectfully requested to inform this Branch at the earliest time practicable as to the state of their finances to the present time, and what amount of money will be necessary to complete the works.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order.

Mr. Phelps moved that the resolution be laid on the table, which was determined in the negative.

The question recurring on the adoption of the resolution, the same was adopted.

On motion of Mr. Crout, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

APPROPRIATIONS.

To March 29th, 1861.....	\$21,875 00
A. S. Abell & Co.....	92 78
Bull & Tuttle.....	60 19
Kerr & Co.....	37 92
Bridge over branch on Ridgeley street.....	250 00
Cleaning the Back Basin.....	11,500 00
Cleaning Jones' Falls.....	10,500 00
Repairing pier on west side of the Falls.....	218 00
Repairing wharves in Back Basin, &c.....	100 00
Planting trees and repairing tree boxes at Jackson Square.....	50 00
Total.....	<hr/> \$44,683 89

The following ordinance was this day presented to the Mayor:

An ordinance for the support and encouragement of Volunteer Corps in the city of Baltimore.

Monday, April 15th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Bouldin.

Mr. Wolf presented the petition of John E. Marshall, captain of the Eagle Artillery Company, asking an appropriation of a hundred dollars for the use and benefit of said company, which was referred to the joint select committee on Volunteer Military Companies.

Mr. Myers presented the petition of Joseph Leistner, asking to be allowed to place a bench near the curb stone, corner of Broadway and Alice Anna street, which was referred to the joint standing committee on Highways.

Mr. Myers presented the petition of C. G. Monmonier, asking permission to enclose with frame work and weatherboarding a bath house attached to a building now about being completed on Bank street, east of Washington street, which was referred to the joint standing committee on the Fire Department.

Mr. Thomas presented the petition of A. Burdett, to improve her house No. 364 West Lexington street, by adding thereto a frame shed and bath house, which was referred to the joint standing committee on the Fire Department.

Mr. Bolgiano presented the petition of James H. Stewart and others, asking to be allowed to continue the use of Monument Square as a hack-stand, which was referred to the joint standing committee on Police and Jail.

The President presented the petition of Mrs. C. C. Webster, asking to have returned to her certain taxes paid in error, which was referred to the joint standing committee on Claims.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail, to whom was referred the petition of John L. Crise and others, asking to have a gas lamp placed at the northeast corner of Eutaw and

Rose streets, find upon examination of the premises that no additional light is required in that neighborhood, and report the following resolution :

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

F. W. ALRICKS,

JESSE MARDEN,

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read and laid on the table :

The joint standing committee on the Harbor, to whom was referred the petition of Burns & Sloan, asking the repeal of resolution No. 221, approved June 4, 1860, which directs the owners of a certain pier on Light street wharf to take up and remove the same within twelve months, and also the petition of David Keener and others, remonstrating against the repeal of said resolution, having examined the premises and considered the matter of said petitions, beg leave to offer the following resolution :

JACOB MYERS,

D. E. THOMAS,

First Branch.

WM. SWINDELL,

JESSE MARDEN,

WM. DEAN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That Samuel Burns and George F. Sloan be, and they are hereby authorized to continue in use the pier in front of their property on

Light street wharf, provided the same be removed by them at their expense within twelve months after a resolution directing said removal, be adopted by the Mayor and City Council of Baltimore.

The Second Branch returned the resolution directing the City Commissioners to have seventeen shade trees planted in Jackson Square in place of those that are dead, and to have the fences and tree boxes repaired, provided the cost of the same does not exceed fifty dollars, the resolution directing the City Commissioners to have flag stones laid across Ross street opposite Biddle alley, and the resolution authorizing the Board of Commissioners of Public Schools in the exercise of their judgment to grant George J. Schellenberger the use of a sufficient portion of the rear end of the lot attached to Male and Female Primary School No. 20 as will afford him a drain or outlet for the water from his premises and for other purposes as they may see fit, the same to be discontinued upon sixty days notice by the Mayor, several endorsed "concurred in."

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Crout moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Crout and Hay, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, April 16th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Staylor and Bouldin.

The President presented the petition of William H. Curry and others, asking to have a gas main and gas lamps placed on Eager street between Greenmount avenue and Jones' Falls, which was referred to the joint standing committee on Police and Jail.

The order of the day being the resolutions empowering the Mayor to have a contract prepared by the City Counsellor in accordance with the recommendations of the report on so much of the Mayor's message as relates to the City Passenger Railway, and which accompanied the resolutions, and whenever the contract is approved and signed by the proper officers of the City Passenger Railway Association, to sign the same for and on behalf of the Mayor and City Council of Baltimore, and should the said City Passenger Railway Association refuse to accept and execute said contract, then to institute such proceedings against the Association as may be necessary for the due protection of the interests of the city of Baltimore, were taken up and read.

Mr. Bolgiano moved to amend the first resolution by inserting after the word "approved" in the fifth line thereof, the words "by the Mayor and City Council," which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Bolgiano:

Yeas—Messrs. Yeisley, Wolf, Bandel, Bolgiano, Brown, Nicholas, Drakeley, Chase, Dixon and Crout—10.

Nays—Messrs. President, Myers, Thomas, Blanchard, Phelps, Allen, Hay and Tegmeyer—8.

Mr. Phelps moved to further amend the resolutions by inserting after the word "report" in the fourth line of the first resolution, the words

"Provided that the time limited for the construction of the road from the city limits along Charles street and the other streets named in the ordinance to Baltimore street, be extended to two years from the 28th March, 1861,"

which was determined in the negative.

The question recurring on the adoption of the resolutions as amended, the same were adopted.

A report from the joint standing committee on the Fire Department, with a resolution granting permission to Jacob H. Pierce to withdraw his petition and discharging the committee from the further consideration of the same, were received from the Second Branch, read and laid on the table.

A report from the joint standing committee on Police and Jail, with a resolution discharging the committee from the further consideration of the petition of the Rev. M. O'Rielley, pastor of St. Bridget's Church, were received from the Second Branch and read.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail, to whom was referred the petition of Isaac Solomon and others, for gas lamps on Schroeder street, from Baltimore to Lexington streets, and one lamp on the north side of Fayette street, between Schroeder and Carlton streets, have had the same under consideration and submit the following resolution :

H. H. CHASE,

THOS. J. BROWN,

First Branch.

WM. DEAN,

JESSE MARDEN,

F. W. ALRICKS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby authorized and directed to have gas mains laid along the bed of Schroeder street, from Baltimore to Lexington streets, and to place a gas lamp on the east side of Schroeder street, at its intersection with Rarborg street, and to erect gas lamps along Schroeder street, between Baltimore and Lexington streets, in place of the present

oil lamps, and also to place on the north side of Fayette street, between Schroeder and Carlton streets, the expense of the same to be taken out of the annual appropriation for gas mains, pillars and lamps for 1861.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Bolgiano, from the joint standing committee on Markets, submitted the following report and resolution, which were read and laid on the table:

The undersigned joint standing committee on Markets, to whom was referred the petition of Thomas Lister and James Foos, asking permission to build an addition to the Lexington Market House, accompanied by an ordinance granting them the butcher's stalls as compensation for the outlay, respectfully report that the prayer of the petitioners cannot be entertained with advantage to the city. They would also remark, that on the 20th March, 1861, (page 393 First Branch Journal,) they gave their reasons for not building it, they therefore offer the following resolution for your approval:

JOHN BOLGIANO,
GEO. W. WOLF,
H. CROUT,

First Branch.

JESSE MARDEN,
WM. SWINDELL,
JOHN W. WILLSON,

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

Mr. Blanchard gave notice of his intention to ask for leave to introduce an ordinance entitled "A supplement to an ordinance entitled 'An ordinance for the measurement of charcoal.'"

Mr. Hay moved that a committee of conference be appointed on the disagreement between the two Branches in reference to the amendment proposed by this Branch to the resolution to improve Franklin Square, which was determined in the affirma-

tive ; and the President appointed Messrs. Hay, Bolgiano and Yeisley as the committee on the part of this Branch.

Mr. Nicholas offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the Commissioners of Health be requested to inform this Branch whether any and what mode has been or is proposed to be adopted by the Health Department to prevent injustice being done to the city in the sale of garbage and street scrapings.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Chase, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*.

The following ordinances and resolutions were this day presented to the Mayor:

An ordinance repealing ordinance No. 67 of ordinances of 1860, entitled "An ordinance providing for the erection of a new City Hall and the permanent investment of the McDonogh Educational Fund," approved July 23d, 1860.

An ordinance to provide for remitting certain fines by the Mayor.

An ordinance to provide for the lighting and cleaning of the city lamps.

An ordinance supplementary to an ordinance entitled "An ordinance to provide for the care and management of the Police and Fire Alarm Telegraph, and for the protection of the same," approved June 24, 1859.

Resolution directing the City Commissioners to have the dirt removed from the bed of Forrest street at a certain point.

Resolution in favor of I. Nevitt Steele, Esq.

Resolution permitting Emanuel Crocker to erect a verandah in front of his premises.

Wednesday, April 17th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Bouldin and Dixon.

Mr. Bolgiano presented the petition of Dennis C. Lieutand, Clerk of the Hollins Street Market, asking an appropriation of thirty dollars for the removal of the Fish Market from its present location to one more suitable, which was referred to the joint standing committee on Markets.

Mr. Allen presented the petition of G. W. Gail & Ax, asking to have gas pipes laid and lamps erected in Barre street, between Charles and Light streets, which was referred to the joint standing committee on Police and Jail.

Mr. Hay presented the petition of William Hissey, asking permission to keep hogs on his premises situated on Ridgeley street, near the Spring Gardens, which was referred to the joint standing committee on Health.

Mr. Nicholas gave notice of his intention to ask for leave to introduce an ordinance entitled "An ordinance in relation to the collection of taxes."

Mr. Nicholas called up the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance providing for the prompt collection of taxes on personal property levied by the State and City,' approved 1st April, 1861, and explanatory of the same," which was read and passed.

Mr. Nicholas called up the ordinance entitled, "Supplement to ordinance No. 6 of revised ordinances, entitled 'An ordinance relative to the public debt of the city of Baltimore,' approved June 11, 1858," which was read and passed.

Mr. Nicholas called up the ordinance entitled, "An ordinance to authorize and empower William J. Hamill, Clerk of the Court of Common Pleas of Baltimore city, to receive and collect the tax of five pounds of Maryland currency on tavern licenses, and the Jail tax of four dollars on licenses," which was read.

Mr. Nicholas moved to amend the ordinance by striking out the name "William J. Hamill," in the third line of the first

section, and inserting in lieu thereof the word "the," which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by striking out the name "William J. Hamill" in the thirteenth line of the first section, which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

Mr. Nicholas moved to amend the title to the ordinance by striking out the name "William J. Hamill," and inserting in lieu thereof the word "the," which was determined in the affirmative.

The Second Branch returned the resolution directing the City Commissioners and Health Commissioners to have the dirt and filth which have accumulated on a part of the bed of Hamburg and Third streets removed, the resolution appropriating fifty dollars, or so much thereof as may be needed, for the trimming of the trees and repairing of the benches at Union Square, the resolution granting permission to F. H. Grupy to use the platform as formerly used in front of his premises No. 42 South Calvert street, subject to be removed after sixty days' notice from the Mayor, the resolution granting permission to Bernhard Clark to erect a platform in front of the building now in course of erection on the north side of Pleasant street, in the second story thereof, and not to exceed two and a half feet from the building line of said house, the resolution authorizing the Comptroller to have gas mains laid on Calvert street between Read and Eager streets, the resolution directing the City Commissioners to place gas lamps on the southeast corner of Eager and Calvert streets, and midway between Eager and Read streets on the eastern side of Calvert street, and the resolution discharging the joint standing committee on Police and Jail from the further consideration of the petition of John L. Crise and others, severally endorsed "concurred in."

Mr. Blanchard asked and obtained leave to introduce an ordinance entitled "A supplement to an ordinance entitled 'An ordinance for the measurement of charcoal,' approved June 5th, 1858," which was read and laid on the table.

Mr. Hay called up the resolution granting permission to Jacob H. Pierce to withdraw his petition and discharging the joint standing committee on the Fire Department from the further consideration of the same, which was read and adopted.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, April 17th, 1861.

Gentlemen of the First Branch :

We respectfully inform you that we have concurred in your request for the appointment of a joint committee of conference on the disagreement between the two Branches, in reference to the amendment proposed by your Branch to the resolution to replace certain trees in Franklin square, and to plant additional trees in said square. Messrs. Higgins, Robb, and Dean have been appointed as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk*.

Mr. Myers offered the following resolution, which was read :

Resolved by the First Branch of the City Council, That the Park Commissioners are hereby requested to inform this Branch what is the reason, if any, why they are not at work with men at Patterson's Park, as we understand there is a large number of men at Druid Hill now at work.

On motion of Mr. Myers, the resolution was read a second time, by special order.

Mr. Phelps moved that the resolution be laid on the table, which was determined in the negative.

Mr. Phelps moved that the resolution be laid on the table and made the order of the day for to-morrow, which was determined in the negative.

The question recurring on the adoption of the resolution, it was determined in the negative.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and resolution, which were read :

The joint standing committee on Ways and Means of the City Council of Baltimore, to whom was referred the resolution which originated in the Second Branch to appropriate "the sum of six thousand dollars, to be expended by the City Commissioners in the employment of mechanics and workingmen, residents of this

city, in the grading of Webster street, from Fort avenue to the termination of said street;" and also the petition of certain citizens of South Baltimore, asking for an appropriation for the above purpose; and also the petition of William L. Garrittee and others, praying for an appropriation for the relief of mechanics and workingmen now out of employment, by giving them work for their support, have had the same under consideration; and being of opinion that the Mayor and City Council ought, in a financial emergency like the present, to make such appropriations for the employment of citizens upon works of utility to the city, which will have to be done hereafter if not at present, so far as the means of the city will allow, without impoverishing or really doing an injury to taxpayers, a considerable number of whom are known to possess very limited means, particularly in times like the present, to pay their taxes and other necessary expenses; and seeing that the present Council has already made appropriations, not inconsiderable in amount, to relieve the prevalent distress among the working classes in the manner above mentioned, recommend the adoption of the following resolution:

J. S. NICHOLAS,

H. W. DRAKELEY,

First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Register of the city be, and he is hereby authorized and directed to pay to the City Commissioners, upon the requisition of said Commissioners, from time to time, the sum of three thousand dollars, to be expended by said Commissioners in the employment of mechanics and workingmen, residents of this city, in the grading of Webster street, from Fort avenue to the terminus of said street; and the Register of the city is hereby authorized and empowered to borrow the sum of three thousand dollars on the best terms practicable, and to pledge therefor the credit of the city by note or notes, to be signed by himself and the Mayor of the city.

Resolved further, That it shall be the duty of the Labor Commissioners, provided for in the ordinance entitled, "An ordinance to furnish work to a portion of the destitute mechanics and laboring men of the city of Baltimore," to recommend to the City Commissioners suitable persons to be employed under this

resolution, and the City Commissioners shall employ such persons as may be recommended by the Board of Labor Commissioners.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Phelps, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, April 18th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Bolgiano presented the petition of John W. Maxwell & Son, asking permission to extend a verandah on the second story of their new building on Calvert street, near Franklin street, three feet from the building line, which was referred to the joint standing committee on Police and Jail.

Mr. Nicholas asked and obtained leave to introduce an ordinance entitled "An ordinance in relation to the collection of taxes," which was read and laid on the table.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of John L. Crise, asking permission to erect a bay window at the southwest corner of McCulloch and Townsend streets, have had the same under consideration and are of

the opinion that the prayer of the petitioner should be granted. They therefore beg leave to report the following resolution :

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby given to John L. Crise to place a bay window on Townsend street, front of the building now being erected by him at the southwest corner of McCullogh and Townsend streets, said window not to extend out more than four feet from the building line.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas called up the ordinance entitled "An ordinance to repeal ordinance No. 35, entitled 'An ordinance relating to city taxation,' received in the Register's office, May 16th, 1860," which was read and passed.

Mr. Nicholas called up the ordinance entitled "An ordinance to lay and collect a direct tax for the repairs of highways and bridges in certain parts of the city of Baltimore, and the necessary grading and masonry required for the construction of the same," which was read.

Mr. Bouldin moved to amend the ordinance by striking out the word "two" in the twelfth line of the second section, and inserting in lieu thereof the word "three," which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

Mr. Nicholas called up the ordinance entitled "An ordinance to provide for the payment of sundry expenses of the Criminal Court of Baltimore, arrears due on account of the late

Baltimore City Court, for the city poor in the Almshouse of Baltimore City, the House of Refuge, the Aged Widows' Home, and for the Dispensaries for the year eighteen hundred and sixty-one," which was read and passed.

Mr. Nicholas moved to amend the title to the ordinance by striking out the word "widows'" in the sixth line, and inserting in lieu thereof the word "womens'," which was determined in the affirmative.

Mr. Nicholas called up the ordinance entitled "An ordinance to lay and collect a tax for the payment of certain expenses of the Courts, Jail, &c.," which was read and passed.

Mr. Nicholas called up the ordinance entitled "An ordinance to lay and collect a direct tax for the year eighteen hundred and sixty-one," which was read and passed.

Mr. Nicholas called up the ordinance entitled "An ordinance to lay and collect a direct tax for the use of the State for the year eighteen hundred and sixty-one," which was read and passed.

Mr. Nicholas called up the ordinance entitled "An ordinance to lay and collect a tax for the support of the Police of the city of Baltimore for 1861," which was read and passed.

Mr. Nicholas called up the ordinance entitled "An ordinance for the payment of the expenses of the Public Schools in the city of Baltimore for the year eighteen hundred and sixty-one," which was read.

Mr. Myers moved that the ordinance be laid on the table, which was determined in the negative.

The question recurring on the passage of the ordinance, the same was passed.

Mr. Nicholas called up the ordinance entitled "An ordinance to lay and collect a tax for the redemption of the Water Stock for the year 1861," which was read and passed.

Mr. Nicholas called up the ordinance entitled "An ordinance to lay and collect a tax for the redemption of the Jail Stock for 1861," which was read and passed.

Mr. Nicholas called up the ordinance entitled "An ordinance to create a sinking fund to redeem the stock issued for rebuilding the Court House," which was read and passed.

Mr. Tegmeyer, from the joint standing committee on Bridges, submitted the following report and resolution, which were read:

The joint standing committee on Bridges, to whom was referred the communication of the City Commissioners in regard to the repairs of the Draw Bridge over Jones' Falls, have made a careful examination of the said bridge in connection with the chairman of the Board of the City Commissioners, and beg leave to report that in their opinion the said bridge will require an outlay of twelve hundred (\$1200) dollars to make all the necessary repairs. They therefore offer the following resolution:

J. H. TEGMEYER,
OWEN BOULDIN,
JACOB YEISLEY,

First Branch.

WM. DEAN,
ASA HIGGINS,
JOHN W. WILLSON,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby authorized to have the Draw Bridge over Jones' Falls repaired; and that the sum of \$1200 be appropriated for the same, to be taken out of the levy of 1861 for the repairs of bridges.

On motion of Mr. Tegmeyer, the resolution was read a second time, by special order.

Mr. Nicholas moved that the resolution be laid on the table, which was determined in the affirmative.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on the Fire Department, to whom was referred the petition of F. H. Grupy, asking permission to erect a steam engine on his premises, No. 23 Grant street,

having visited the premises, are of opinion that said engine would in no wise endanger the neighborhood. They therefore beg leave to offer the following resolution:

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

ASA HIGGINS,

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and is hereby given to F. H. Grupy to erect a steam engine not exceeding twelve horse power, on his premises, No. 23 Grant street; said engine to be removed at any time upon six months' notice being given by the Mayor.

The Second Branch returned the resolution directing the City Commissioners to have gas mains laid along the bed of Schroeder street, from Baltimore street to Lexington street, and to place a gas lamp on the east side of Schroeder street, at its intersection with Raborg street, and to erect gas lamps along Schroeder street, between Baltimore and Lexington streets, in place of the present oil lamps, and also to place a gas lamp on the north side of Fayette street, between Schroeder and Carlton streets, endorsed "concurréd in."

A report from the joint standing committee on Markets, with a resolution appropriating five hundred dollars, or so much thereof as may be necessary for the purpose, for the paving of the Cross Street Market Space; the work to be done under the superintendence of the City Commissioners, were received from the Second Branch and read.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and concurred in.

A report from the joint standing committee on Ways and Means, with a resolution discharging the committee from the further consideration of the communication from the Water Board in relation to an additional appropriation for repairs of pumps, &c., were received from the Second Branch, read and laid on the table.

The Second Branch returned the resolutions empowering the Mayor to have a contract prepared by the City Counsellor in accordance with the recommendations of the report on so much of the Mayor's message as relates to the City Passenger Railway, and which accompanied the resolutions, and whenever the contract is approved by the Mayor and City Council, and signed by the proper officers of the City Passenger Railway Association, to sign the same for and on behalf of the Mayor and City Council of Baltimore, and authorizing him, should the said City Passenger Railway Association refuse to accept and execute said contract, to institute such proceedings against the Association as may be necessary for the due protection of the interests of the city of Baltimore, endorsed "concurring in with proposed amendment."

Amendment proposed :

Strike out the word "foregoing," in the fourth line, and insert after the word "report," in the same line, the words, "of the joint select committee, to whom was referred so much of the Mayor's annual communication as relates to the City Passenger Railway, as recorded on the First Branch Journal of 9th April, 1861."

Mr. Staylor moved that the Branch concur in the proposed amendment, which was determined in the affirmative.

The Second Branch returned the resolution directing the Board of Water Commissioners to have water pipes laid from the intersection of Cowpen alley and Liberty street to Baltimore street, Baltimore street to Hanover street, Hanover street to German street, connecting with the six inch main on German street; and also to make a connection at the corner of Charles and German streets extending to Fayette street, and not less than an eight inch main; and also to place a steam fire plug at the corner of Liberty and Baltimore streets, Hanover and Baltimore streets, and Charles and Baltimore streets, and appropriating the sum of fifteen hundred dollars, or so much thereof as may be necessary to pay the expense of the same, endorsed, "concurring in with proposed amendment."

Amendment proposed :

Strike out the word "eight" in the eighth line, and insert the word "six."

Mr. Staylor moved that the Branch concur in the proposed amendment, which was determined in the affirmative.

On motion of Mr. Wolf, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, April 19th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Phelps and Dixon.

The following communication was received from the Health office, read and laid on the table.

HEALTH OFFICE,

Baltimore, April 19th, 1861.

To the President and Members of the

First Branch of the City Council:

GENTLEMEN :

In answer to your resolution of the 16th instant, requesting to be informed "whether any and what mode has been or is proposed to be adopted by the Health Department to prevent injustice being done the city in the sale of garbage and street scrapings," I have the honor to reply that under the existing ordinance relating to the sale of "garbage and street dirt," the superintendents of the various districts are required to make returns to this department, once a week, of the number of loads of such material collected in the city, as also the number of loads sold by them. And all such returns are required to be made under oath. The Board of Health have not proposed to adopt

any other mode than the one provided for under the ordinance, from the fact that none has suggested itself to their minds by which the interests of the city could be better secured.

We may be permitted to say that we have every confidence that entire justice will be done the city by the present Superintendents of Streets, and that the garbage and manure will be disposed of by them on the best terms obtainable.

CHARLES H. BRADFORD,
Commissioner of Health and City Physician.

The President laid before the Branch the following communications, which were read :

BALTIMORE & OHIO RAILROAD—PRESIDENT'S OFFICE.

Baltimore, April 19, 1861.

To His Excellency, Thomas H. Hicks, Governor, His Honor, Geo. William Brown, Mayor of Baltimore, Charles Howard, Esq., President Board of Police Commissioners.

I have the honor to acknowledge the receipt of your communication of this date in which "you advise that the troops now here be sent back to the Borders of Maryland." Most cordially approving this advice I have instantly telegraphed the same to the Philadelphia, Wilmington and Baltimore Railroad Company, and this Company will act in accordance therewith.

Very Respectfully,

Your obedient servant,

JOHN W. GARRETT, *President.*

BY TELEGRAPH.

PHILADELPHIA, WILMINGTON & BALTIMORE RAIL ROAD.

PHILADELPHIA, April 19th, 1861.

To Thomas H. Hicks and Geo. Wm. Brown.

Have directed Mr. Crawford to take the Troops back, and will send no more to Baltimore before communicating with you for advice.

S. M. FELTON.

N. M. C.

Mr. Myers moved that a message, with the communications from Messrs. Garrett and Felton just read, be sent to the Second Branch, proposing, with their concurrence, that when the Branch adjourns this afternoon, it adjourn to meet to-morrow morning at nine o'clock, which was determined in the affirmative.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, April 19th, 1861.

Gentlemen of the First Branch :

We respectfully inform you that we have concurred in your proposition that when the Council adjourns this afternoon it stand adjourned until to-morrow morning at nine o'clock.

By order

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Myers, the Branch adjourned until to-morrow morning at nine o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Saturday, April 20th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

The President laid before the Branch the following communication :

MAYOR'S OFFICE—CITY HALL,
Baltimore, April 19, 1861.

SIR :—

This will be presented to you by the Hon. H. Lennox Bond, and George W. Dobbin and John C. Brune, Esqs., who will

proceed to Washington by an express train at my request, in order to explain fully the fearful condition of affairs in this city. The people are exasperated to the highest degree by the passage of troops, and the citizens are universally decided in the opinion that no more should be ordered to come. The authorities of the city did their best to-day to protect both strangers and citizens, and to prevent a collision, but in vain, and but for their great efforts a fearful slaughter would have occurred. Under these circumstances it is my solemn duty to inform you that it is not possible for more soldiers to pass through Baltimore unless they fight their way at every step. I therefore hope and trust, and most earnestly request, that no more troops be permitted or ordered by the government to pass through the city. If they should attempt it, the responsibility for the bloodshed will not rest upon me.

With great respect,

Your obedient servant,

[Signed]

GEO. WM. BROWN, *Mayor*.

To his Excellency

ABRAHAM LINCOLN, *Pres. of the U. S.*

I have been in Baltimore City since Tuesday evening last, and co-operated with Mayor G. W. Brown in his untiring efforts to allay and prevent the excitement and suppress the fearful outbreak as indicated above; and I fully concur in all that is said by him in the above communication.

Very respectfully,

Your obedient servant,

[Signed]

THOS. H. HICKS,

Governor of Maryland.

To his Excellency

ABRAHAM LINCOLN, *Pres. of the U. S.*

Mr. Nicholas moved that a message be sent to the Second Branch, proposing, with their concurrence, the appointment of a joint special committee to take into consideration the foregoing communication from the Mayor of the city and the Governor of the State, to the President of the United States, and recommend such measures as are proper to be adopted in the present emergency, said committee to report at the earliest practicable moment, which was determined in the affirmative.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, April 20th, 1861.

Gentlemen of the First Branch :

We respectfully inform you that we have concurred in your proposition for the appointment of a joint special committee to take into consideration the communication of the Mayor of the city of Baltimore and the Governor of the State of Maryland, to the President of the United States, and the existing crisis in the affairs of the city, said committee to report at the earliest practicable moment such measures as are proper to be adopted in the present emergency. We have appointed Messrs. Miller, Alricks and Higgins as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

The President appointed Messrs. Nicholas, Blanchard and Drakeley as the special committee on the part of this Branch to take into consideration and recommend such measures as are proper to be adopted in the present emergency.

The President laid before the Branch the following telegraphic dispatch :

BY TELEGRAPH.

WASHINGTON, April 20th, 1861.

To Mayor BROWN, Baltimore:

We have seen the President and General Scott. We bear from the former a letter to the Mayor and Governor, declaring that no troops shall be brought through Baltimore, if, in a military point of view, and without interruption from opposition, they can be marched around Baltimore.

H. L. BOND,
J. C. BRUNE,
G. W. DOBBIN.

Mr. Nicholas, from the joint special committee, to whom was referred the matter of considering and recommending such measures as are proper to be adopted in the present emergency, submitted the following report and ordinance, which were read :

The joint special committee of the City Council of Baltimore, appointed to take into consideration the communication from the Mayor of the city and the Governor of the State of Maryland to the President of the United States, through a committee consisting of the Hon. Hugh L. Bond and John C. Brune and George W. Dobbin, Esquires, of this city, read this morning in the presence of the City Council, and the present crisis in the affairs of the city, to which that communication has reference, respectfully report the following ordinance, and recommend the immediate passage of the same:

J. S. NICHOLAS,

E. WYATT BLANCHARD,

H. W. DRAKELEY,

First Branch.

DECATUR H. MILLER,

FRANCIS W. ALRICKS,

ASA HIGGINS,

Second Branch.

An ordinance to appropriate five hundred thousand dollars, or so much thereof as may be necessary, for the defence of the city against any danger that may arise out of the present crisis.

Section 1. Be it enacted and ordained by the Mayor and City Council of Baltimore, That the sum of five hundred thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the purpose of putting the city in a complete state of defence against any description of danger arising, or which may arise out of the present crisis, the same to be expended under the direction of the Mayor of the city, and to be paid by the City Register out of any money not otherwise appropriated in the city treasury.

Sec. 2. And be it enacted and ordained that the Register of the city be and he is hereby authorized to raise the said sum, or so much thereof as may be necessary as aforesaid, by issuing the promissory notes of the city in such amounts as the Mayor and Register of the city may approve.

On motion of Mr. Nicholas, the ordinance was read a second time, by special order, and passed.

Mr. Nicholas moved that a message be sent to the Second Branch, proposing, with their concurrence, that when the Coun-

cil adjourns this morning it stand adjourned until Monday afternoon at five o'clock, which was determined in the affirmative.

The Second Branch returned the ordinance entitled "An ordinance to appropriate five hundred thousand dollars, or so much thereof as may be necessary, for the defence of the city against any danger that may arise out of the present crisis," endorsed "passed."

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, April 20th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition that when the Council adjourns this morning it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Myers, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, April 22d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Myers presented the petition of J. Etchberger, asking permission to extend a summer kitchen, attached to his premises, No. 342 East Baltimore street, a distance of five feet, the front and one side to be of brick, which was referred to the joint standing committee on the Fire Department.

Mr. Blanchard presented the petition of William Raine and others, asking that the City Passenger Railway Association be allowed to run their cars on the different routes and in particular to and from Druid Hill Park, on Sunday, which was referred to the joint select committee on the City Passenger Railway.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read:

The joint standing committee on Health, to whom was referred the report of the physicians of the southern, and eastern, and also the north-eastern dispensaries, asking the continuance of the former appropriations as allowed for the year 1860, for each of the above named dispensaries. They therefore beg leave to offer the following resolution:

D. E. THOMAS,

JOHN BOLGIANO,

H. H. CHASE,

First Branch.

JOHN W. WILLSON,

WM. DEAN,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That five hundred dollars be appropriated to the eastern, and five hundred dollars to the southern, and also five hundred dollars to the north-eastern dispensaries for the year 1861.

On motion of Mr. Thomas, the resolution was read a second time, by special order.

Mr. Nicholas moved that the resolution be laid on the table, which was determined in the affirmative.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and an ordinance entitled "An ordinance supplementary to revised ordinance No. 19, approved May 31st, 1858, providing for the appointment of Superintendents of Streets," which were read and laid on the table:

The undersigned joint standing committee on Health, to whom was referred the petition of the Superintendents of Streets,

praying that part of Section 15 of Revised Ordinance No. 19 of 1858, relating to the compensation allowed for cleaning the markets on Sunday morning at or before sunrise, be increased from one-fourth to one-half of a day, have after investigation come to the conclusion to offer the accompanying supplement to the said ordinance for your consideration.

D. E. THOMAS,
JOHN BOLGIANO,
H. H. CHASE,

First Branch.

ASA HIGGINS,
JOHN W. WILLSON,
WM. DEAN,

Second Branch.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom the petition of Christian Leutbecker was referred, asking permission to retain a frame shed attached to the building known as Washington Hall, having examined the premises, are of opinion that said permission should be granted. They therefore beg leave to offer the following resolution:

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,
ASA HIGGINS,
JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby given to Christian Leutbecker to retain in use a frame shed attached to the building known as Washington Hall, the same to be removed at any time upon six months' notice being given by the Mayor.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

A report from the joint standing committee on Water, with a resolution granting permission to Richard Myers to sink a well opposite his premises, corner of Hamburg and Leadenhall streets, and place a pump therein for the purpose of drawing the water from his cellar, was received from the Second Branch, read and laid on the table.

Mr. Bolgiano, from the joint standing committee on Markets, submitted the following report and resolution and an ordinance entitled "An ordinance to repeal supplementary ordinance No. 88, approved 26th September, 1860," which were read and laid on the table:

The undersigned joint standing committee on Markets, to whom was referred the petition of Robert Knight, market master, asking for improvements at Centre Market, and repeal of Ordinance No. 88, approved September 26th, 1860, and of Dennis C. Lieutand, market master, asking the removal of the Fish Market house at Hollins Street Market to a more convenient place, have had, after viewing the premises, the subject under consideration, and respectfully offer the following resolution and accompanying ordinance for the accomplishment of the objects proposed:

JOHN BOLGIANO,

H. CROUT,

GEO. W. WOLF,

First Branch.

JOHN W. WILLSON,

JESSE MARDEN,

WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby authorized to erect at the Fish Market, Centre Market Space, such new fish stalls as may be required, and to repair the shed at the south end of Centre Market House at Pratt street, at a cost not exceeding one hundred and fifty dollars, and to remove the Fish Market at Hollins Street Market to a more suitable place, at a cost not exceeding thirty dollars; the expense thereof to be deducted from the receipts of said markets.

Mr. Bolgiano offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be, and they are hereby directed to place flag stones across Chew street at its intersection with Gay street, across Eden at its intersection with Gay and Chew streets, north side Gay street where it intersects Eager street, across Caroline at its intersections with Eager street, across Eden street where it intersects Eager street, across Chase street where it intersects with Caroline street, across Biddle street where it intersects with Eden street and where it intersects at Canal street, and across Somerset street where it intersects with Chase and Biddle streets; the same to be taken out of the annual appropriation for flag and stepping stones for 1861.

Mr. Bandel, from the joint standing committee on Education, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Education, to whom was referred the petition of John N. McJilton, applying for a certificate to the Governor for the purpose of obtaining a warrant for the admission of William Peacock, a deaf mute, into the Pennsylvania or the Columbian Institution for the instruction of the deaf and dumb, have examined the matter referred to them, and are of opinion that the case is a proper one for the granting of the relief pressed. They recommend the adoption of the following resolution:

GEO. S. BANDEL,

JACOB MYERS,

First Branch.

F. W. ALRICKS,

JAS. B. GEORGE, Sr.,

WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That William Peacock, a deaf mute of the city of Baltimore, who is under twenty-one years of age, of sound mind and in indigent circumstances, be, and he is hereby recommended to the Governor of the State of Maryland as a beneficiary under the New Code of Maryland, Article 33.

Mr. Tegmeyer called up the resolution authorizing the City Commissioners to have the drawbridge over Jones' Falls repaired, and appropriating twelve hundred dollars for that purpose, which was read and adopted.

The President announced the order of the day, being the ordinance entitled "An ordinance to repeal an ordinance and parts of an ordinance therein mentioned relating to the Police of Baltimore," and the resolutions relating to the assembling of a constitutional convention and recommending the citizens of Baltimore to vote for the assembling of such convention, and requesting the delegates who might be elected to represent the city of Baltimore, should such convention be called, to use their best endeavors to secure the adoption of such amendments as would in their judgment carry out the recommendations embodied in the report accompanying these resolutions in regard to the re-organization and permanent establishment of the police department, both in its ministerial and judicial branches within the city of Baltimore, and further, to secure to the city of Baltimore their full and just proportion of representation in the General Assembly of Maryland, and appointing a joint special committee to prepare a memorial upon the basis of said accompanying report, the same when approved by the Mayor and City Council to be submitted to the General Assembly of Maryland at its next session.

Mr. Bolgiano moved that they be laid on the table, which was determined in the affirmative.

Mr. Nicholas called up the ordinance entitled "An ordinance making appropriations for the year eighteen hundred and sixty-one," which was read.

Mr. Nicholas moved to amend the ordinance by striking out the words "thirty-three hundred and fifty" in the fifty-eighth and fifty-ninth lines of the section entitled "City Commissioners' and Port Wardens' Department," and inserting in lieu thereof the words "forty-five hundred," which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by inserting the word "five" after the word "forty," in the ninth line of the section entitled "Health Department," which was determined in the negative.

Mr. Bolgiano moved to further amend the ordinance by striking the word "two," in the eleventh line of the section entitled

"Health Department," and inserting in lieu thereof the word "three," which was determined in the negative.

Mr. Bolgiano moved to further amend the ordinance by striking out the words "two thousand" in the eleventh and twelfth lines of the section, entitled "Health Department," and inserting in lieu thereof the words "twenty-five hundred," which was determined in the negative.

Mr. Myers moved to further amend the ordinance by striking out the word "sixteen," in the eighth line of the section entitled "Public School Department," and inserting in lieu thereof the word "ten," which was determined in the negative.

Mr. Myers moved to further amend the ordinance by striking out the word "twenty," in the tenth line of the section entitled "Public School Department," and inserting in lieu thereof the word "ten," which was determined in the negative.

Mr. Myers moved to further amend the ordinance by striking out the words "one hundred dollars," in the twentieth line of the section entitled "Public School Department," which was determined in the negative.

Mr. Nicholas moved to fill the blank, in the forty-sixth line of the section entitled "Miscellaneous," with the words "twenty-seven," which was determined in the affirmative.

Mr. Bouldin moved to further amend the ordinance by striking out the word "two," in the hundred and twenty-fifth line of the section entitled "Miscellaneous," and inserting in lieu thereof the word "one," which was determined in the affirmative.

Mr. Bouldin moved to further amend the ordinance by striking out the word "five," in the hundred and sixty-third line, of the section entitled "Miscellaneous," and inserting in lieu thereof the word "three," which was determined in the affirmative.

Mr. Bouldin moved that the ordinance be laid on the table, which was determined in the affirmative.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read :

The joint standing committee on the Fire Department, to whom was referred the petition of Thomas J. Cochran & Co., asking permission to re-construct a frame ice house at the mouth of Union Dock, having visited the premises find that said building will endanger no other property other than that now belonging to the petitioners. They therefore beg leave to offer the following resolution :

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

ASA HIGGINS,

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby granted to Thomas J. Cochran & Co. to re-construct a frame ice house on their property at the mouth of Union Dock, the same to be removed at any time upon six months notice by the Mayor.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Bouldin, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, April 23d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Blanchard, Phelps, and Dixon.

Mr. Myers presented the petition of Messrs. Coleman & Cleveland, asking permission to use a portion of the sidewalk and street by placing merchandise thereon for eight or ten days at a time, subject to be removed whenever the public may be inconvenienced thereby, which was referred to the joint standing committee on Highways.

Mr. Brown presented the remonstrance of Samuel Jennings and others, against widening Fayette street, between Calvert and Holliday streets, which was referred to the joint standing committee on Highways.

Mr. Crout presented the petition of H. Shultz, asking that the Fire Commissioners be required to pay his claim for work done for them on engine house No. 4, in the year 1859, should such claim be found to be correct, which was referred to the joint standing committee on Claims.

Mr. Allen presented the claim of C. S. Willett, for a chilled iron safe furnished the City Collector's office, which was referred to the joint standing committee on Claims.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

The joint standing committee on Police and Jail, to whom was referred the petition of Jno. W. Maxwell & Son, to erect a verandah on the second story of their new building on Calvert street near Franklin, have had the same under consideration, and respectfully submit the following resolution:

H. H. CHASE,
THOS. J. BROWN,
First Branch.

WM. DEAN,
F. W. ALRICKS,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby given to Jno. W. Maxwell & Son to erect a verandah on the second story of their new building on Calvert street, near Franklin, to extend three feet from the building line.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Bolgiano called up the resolution authorizing the Comptroller to erect at the Fish Market, Centre Market Space, such new fish stalls as may be required, and to repair the shed at the south end of Centre Market House at Pratt street, at a cost not exceeding one hundred and fifty dollars, and to remove the Fish Market at Hollins Street Market to a more suitable place, at a cost not exceeding thirty dollars; the expense thereof to be deducted from the receipts of said markets, which was read and adopted.

Mr. Bolgiano called up the resolution directing the City Commissioners to place flag stones across Chew street at its intersection with Gay street, across Eden at its intersection with Gay and Chew streets, north side Gay street where it intersects Eager street, across Caroline at its intersections with Eager street, across Eden street where it intersects Eager street, across Chase street where it intersects with Caroline street, across Biddle street where it intersects with Eden street and where it intersects at Canal street, and across Somerset street where it intersects with Chase and Biddle streets, which was read and adopted.

Mr. Bolgiano called up the ordinance entitled "An ordinance supplementary to revised ordinance No. 19, approved May 31, 1858, providing for the appointment of Superintendents of Streets," which was read and passed.

Mr. Myers called up the resolution authorizing Samuel Burns and George F. Sloan to continue in use the pier in front of their property on Light street wharf, provided the same be removed by them at their expense within twelve months after a resolution directing said removal be adopted by the Mayor and City Council of Baltimore, which was read.

The President (Mr. Crout in the Chair,) moved that the resolution be laid on the table, which was determined in the affirmative.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, April 23d, 1861.

Gentlemen of the First Branch :

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon it stand adjourned until Thursday afternoon at five o'clock.

By order

ALLEN E. FORRESTER, *Clerk.*

Mr. Staylor moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

Mr. Nicholas called up the ordinance entitled "An ordinance making appropriations for the year eighteen hundred and sixty-one."

Mr. Nicholas moved to fill the blank in the hundred and ninety-third line of the section entitled "Miscellaneous" with the figures "113," which was determined in the affirmative.

Mr. Nicholas moved to amend the ordinance by striking out "No." (signifying number,) in the hundred and eighty-sixth line in the section entitled "Miscellaneous," which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by adding thereto at the end of the section entitled "Miscellaneous," the following :

For new fire plugs, five thousand dollars.

For repairs of drawbridge, as per resolution, twelve hundred dollars.

For cleaning out the Back Basin, ten thousand three hundred dollars.

For repairing wharves in the Back Basin, one hundred dollars.

For cleaning out Jones' Falls, ten thousand five hundred dollars.

For repairing walls of Jones' Falls, two hundred and eighteen dollars.

For repairing pier on the west side of Jones' Falls, six hundred dollars.

For grading Webster street, as per resolution, three thousand dollars.

For Franklin Square, one hundred dollars.

which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

Mr. Bolgiano called up the ordinance entitled "An ordinance to repeal supplementary ordinance No. 88, approved 26 h September, 1860," which was read and passed.

The Second Branch returned the ordinance entitled "An ordinance to lay and collect a direct tax for the repairs of Highways and Bridges in certain parts of the city of Baltimore, and the necessary grading and masonry required for the construction of the same," endorsed "will pass with proposed amendment."

Amendment proposed :

Strike out the word "three" in the twelfth line of the second section, and insert the word "two."

Mr. Bouldin moved that the Branch concur in the proposed amendment, which was determined in the affirmative.

The Second Branch returned the ordinance entitled "An ordinance to create a sinking fund to redeem the stock issued for the rebuilding of the Court House," the ordinance entitled "An ordinance to lay and collect a tax for the redemption of the Jail Stock for 1861," the ordinance entitled "An ordinance to lay and collect a tax for the redemption of the Water Stock for the year 1861," the ordinance entitled "An ordinance for the payment of the expenses of the Public Schools in the city of Baltimore for the year eighteen hundred and sixty-one," the ordinance entitled "An ordinance to lay and collect a tax for the support of the Police of the city of Baltimore for 1861," the ordinance entitled "An ordinance to lay and collect a direct tax for the year eighteen hundred and sixty-one," the ordinance entitled "An ordinance to lay and collect a tax for the payment of certain expenses of the Courts, Jail, &c.," the ordinance entitled "An ordinance to lay and collect a direct tax for the use of the State for the year eighteen hundred and sixty-one," the ordinance entitled "An ordinance to provide for the payment of sundry expenses of the Criminal Court of Baltimore arrears

due on account of the late Baltimore City Court, for the city poor in the Almshouse of Baltimore City, the House of Refuge, the Aged Womens' Home, and for the Dispensaries for the year 1861," the ordinance entitled "An ordinance to authorize and empower the Clerk of the Court of Common Pleas of Baltimore City to receive and collect the tax of five pounds, Maryland currency, on Tavern Licenses, and the Jail tax of four dollars on Licenses," the ordinance entitled "An ordinance supplementary to an ordinance entitled "An ordinance providing for the prompt collection of taxes on personal property levied by the State and City, approved April 1, 1861, and explanatory of the same," the ordinance entitled "Supplement to ordinance No. 6 of revised ordinances, entitled 'An ordinance relative to the public debt of the city of Baltimore,' approved June 11, 1858," and the ordinance entitled "An ordinance to repeal ordinance No. 35, entitled 'An ordinance relating to city taxation,' received in the Register's office May 16th, 1860," severally endorsed "passed."

The Second Branch returned the resolution granting permission to John L. Crise to place a bay window on the Townsend street front of the building, now being erected by him at the southwest corner of McCullogh and Townsend streets, said window not to extend out more than four feet from the building line, endorsed "concurred in."

A report from the joint standing committee on the Fire Department, with a resolution granting permission to C. G. Monmonier to enclose with frame work a bath house in the rear of his premises on Bank street, east of Washington street, provided the same shall be removed after six months' notice to that effect shall have been given by the Mayor and City Council, were received from the Second Branch and read.

On motion of Mr. Hay, the resolution was read a second time, by special order, and concurred in.

The second Branch returned the resolution authorizing and directing the Register of the city to pay to the City Commissioners, upon the requisition of said Commissioners, from time to time, the sum of three thousand dollars, to be expended by said Commissioners in the employment of mechanics and workmen, residents of this city, in the grading of Webster street, from Fort avenue to the terminus of said street; and authorizing and empowering the Register of the city to borrow the sum of three thousand dollars on the best terms practicable, and to

pledge therefor the credit of the city by note or notes, to be signed by himself and the Mayor of the city; and making it the duty of the Labor Commissioners, provided for in the ordinance entitled "An ordinance to furnish work to a portion of the destitute mechanics and laboring men of the city of Baltimore," to recommend to the City Commissioners suitable persons to be employed under this resolution, and directing the City Commissioners to employ such persons as may be recommended by the Board of Labor Commissioners, endorsed "concurrent in."

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Water, to whom was referred the resolution of the Water Board, to have iron plugs erected in sundry places, have had the same under consideration and would respectfully offer the following resolution:

THOS. J. BROWN,
J. H. TEGMEYER,
SOLOMON ALLEN,

First Branch.

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Water Board be, and they are hereby authorized and directed to erect a large iron fire plug on the northwest corner of Fayette and Aisquith streets, one large iron fire plug on the southeast corner of Gay street and Aisquith street, and also one large iron fire plug at the northwest corner of Orleans street and Aisquith street.

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Water, to whom was referred the petition of Mrs. Mary Ann O'Laughlin, to have a fountain on Calvert street, near Bath street, removed from the front of

her premises, have considered the subject and respectfully offer the following resolution :

THOS. J. BROWN,

J. H. TEGMEYER,

SOLOMON ALLEN,

First Branch.

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be, and he is hereby authorized and directed to remove the fountain on Calvert street near Bath street from its present location, and draw on the appropriation for the repairs of pumps, &c., for the cost and expenses of the same.

Mr. Bolgiano called up the resolution discharging the joint standing committee on Markets from the further consideration of the petition of Thomas Lister and James Foos, which was read and adopted.

On motion of Mr. Crout, the Branch adjourned until Thursday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, April 25th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

A report from the joint standing committee on the Harbor, with a resolution authorizing the City Block Ferry and Towing Company to use, occupy and enjoy all the water front of the

end of West Falls avenue and Great Hughes street for the purpose of running a Steam Ferry boat, or boats, between the said points, and for the deposit of coal, wood, and other matters pertaining to the objects of the said company, (it being understood that the grant does not interfere with any legal rights of owners of property adjoining said wharves,) provided that the company have their boat or boats running between said points by or within six months after said grant; and provided further, that the city receive possession again on one year's notice to that effect by the Mayor and City Council, were received from the Second Branch, read and laid on the table.

A report from the joint standing committee on Water, with a resolution discharging said committee from the further consideration of the petition of Thomas Gardner and others, were received from the Second Branch, read and laid on the table.

The Second Branch returned the resolution granting permission to Thomas J. Cochran & Co. to re-construct a frame ice house on their property at the mouth of Union Dock, the same to be removed at any time upon six months notice by the Mayor, and the resolution granting permission to Christian Leutbecker to retain in use a frame shed attached to the building known as Washington Hall, the same to be removed at any time upon six months' notice being given by the Mayor, severally endorsed "concurred in."

The Second Branch returned the resolution authorizing the City Commissioners to have the drawbridge over Jones' Falls repaired, and appropriating twelve hundred dollars to defray the expense of the same, endorsed "concurred in with proposed amendment."

Amendment proposed :

Strike out all after the word "the" in the fifth line, and insert the words "to be taken out of the sum of eleven thousand five hundred dollars heretofore appropriated by the resolution for cleaning out the Back Basin, anything in the said resolution or any other resolution or ordinance to the contrary notwithstanding."

Mr. Bouldin moved that the Branch concur in the proposed amendment, which was determined in the affirmative.

The following communication was received from the Mayor :

MAYOR'S OFFICE—CITY HALL,

Baltimore, April 25, 1861.

*To the Honorable the Members of the**First Branch of the City Council:*

GENTLEMEN :

I have approved of the following Ordinances and Resolutions emanating from your Branch, viz :

An ordinance to provide for the remitting of certain fines by the Mayor.

An ordinance repealing ordinance No. 67 of ordinance of 1860, entitled "An ordinance providing for the erection of a new City Hall, and the permanent investment of the McDonogh Educational fund," approved July 23d, 1860.

An ordinance supplementary to an ordinance, entitled "An ordinance to provide for the care and management of the Police and Fire Alarm Telegraph, and for the protection of the same, approved June 24, 1859.

An ordinance to provide for the lighting and cleaning of the City Lamps.

An ordinance to appropriate five hundred thousand dollars, or so much thereof as may be necessary, for the defense of the city against any danger that may arise out of the present crisis.

Resolution directing the City Commissioners to have the dirt removed from the bed of Forrest street at a certain point.

Resolution in favor of I. Nevitt Steele, Esq.

Resolution permitting Emanuel Crocker to erect a verandah in front of his premises.

Respectfully,

GEO. WILLIAM BROWN, *Mayor*

The President laid before the Branch the following report of the Agents of the city of Baltimore on the McDonogh estate :

*New Orleans, April 12th, 1861.**To the Honorable the Mayor and**City Council of Baltimore:*

GENTLEMEN :—

Our last report submitted to you, was made under date of May 7th, 1860, and we now beg to wait on you with a statement of our administration, as agents for Baltimore in the McDonogh Estate, up to this period.

The various properties belonging to Baltimore have, as you will have learned by our previous communications to your Honorable Body, been disposed of with a few exceptions. These are: the half of a valuable tract of land in the parish of Ibberville, containing 1,311.27 acres, heavily timbered, and when cleared, well adapted to the culture of sugar. Five small tracts in the same parish, and adjacent to the large section, already referred to, designated by the survey and plan of Wm. J. McCulloh, Esq., late Surveyor General of Louisiana, by the numbers 7, 9, 11, 13 and 17, and containing together 799.40 acres. These five tracts are generally of low land, partly in swamp, and of no great value. One large body of land, in the parish of St. James, containing about 10,000 acres; low, swampy, and at times, said to be nearly covered with water; also, of but little comparative value. In addition to these tracts unsold, there are two other in the parish of Livingston, on the Tangapahoe river, containing together 640 acres, sold by auction to Mr. John L. Davis, who has failed to comply with the terms of sale, and against whom we have instituted suit for non-compliance.

The property in Ibberville is situated about 100 miles above the City of New Orleans, on the right bank of the Mississippi; that in St. James, some fifty miles above, and on the left bank of the river. The property in Livingston is within a few miles of the line of the Jackson Railroad, probably forty or fifty miles from the city, and was bought by Davis, the defaulting purchaser, for \$1,856.

The St. James, and remaining Ibberville tracts, we have been altogether unable to make disposition of, this season, at private sale; and we considered it impolitic to offer them at auction, under the great depression in the monetary condition of the country, during the period that we are now just passing through. With the prospect however, of returning prosperity next year, we hope we shall be able to make such disposition of them as will be satisfactory to your Honorable Body.

Our sale last year, of a portion of the large Ibberville tract, and the small one adjacent, amounting together, with interest, to \$78,226.90, we have good reason to feel satisfied with, looking at the stagnation since prevailing in rural property, the excellent rates obtained in our sales, with the fact that interest is now accruing to Baltimore, and the taxes hereafter saved. The value of this unsold property, just enumerated, it is difficult to estimate, because of the uncertain value of the swamp lands, but we would nevertheless consider it as worth some \$75,000.

Of the slaves remaining to the estate since the departure of the forty two, in the ship Rebecca, for Liberia, in April 1859, fourteen were hired with the Allard place, under a contract for farm service, until the 31st October, 1860; and Emeline, with

her three children, and Pierre, a boy, remained here, in charge of private families. All these, we have handed over to Thos. Allen Clarke, Esq., Counsel, and agent in New Orleans, of the American Colonization Society, that they also may be sent to Liberia, in accordance with the provisions, made by Mr. McDonogh, in his will. As the vessel belonging to the Society, was absent on her regular voyage, at the period of the release from servitude, of the Allard people, they, with the others, are still here, under control of Mr. Clarke, awaiting the departure of the next expedition from the Society to its African colony. We regret to report, as we have already informally done, that the suit instituted against Baltimore, by the city of New Orleans, for the one-half, of one hundred thousand dollars, paid by the latter, for the service of counsel retained by them to sustain the will of Mr. McDonogh, has to an important extent been determined against us. We refused to meet the demand made upon us by New Orleans, in this case, because, we considered that the counsel, employed by the testamentary executors, were amply sufficient, to meet the opposition, made by Mr. McDonogh's natural heirs; believing also, that the non-assent of Baltimore, to this additional aid, justified us, in our refusal, and required that we should resist the claim in law. An adverse decision in the lower court, was affirmed, on an appeal, by the Supreme Court of Louisiana, and a decision rendered against Baltimore for \$37,500 with interest from June 1st, 1854. In this decision, the Court deducted from the claim, \$12,500, one-half the fee paid to Christian Roselius, Esq., one of the counsel, retained by New Orleans, upon the ground, that he was at the time, a testamentary executor of the estate, and therefore, not entitled to compensation for this special service.

It appears, that the question, of employment of counsel by New Orleans, was submitted at the time, to the authorities of Baltimore, and met the sanction of one of the branches of her council, whilst in the other, no action was had upon the subject.

In the meantime, the letter upon this question, addressed by the Mayor of New Orleans, to the Mayor of Baltimore, was suffered to remain unanswered, and the suits were then entrusted to Messrs. Hunt, Roselius, Gruihle, and Preaux, four eminent counsellors of New Orleans. No denial of participation, having been made by Baltimore, the Supreme Court of Louisiana, considered, that the engagement of special counsel was made by New Orleans in good faith; expressing at the same time the opinion, that the record of the case in the Supreme Court of the United States, shewed that their services, were eminently beneficial, to both the residuary legatees, and justice required, that the plaintiffs should be reimbursed.

A copy of the decree already furnished to Baltimore, is herewith submitted as part of this report.

We have still pending a suit brought by a certain Moses Fox, on an alleged codicil to Mr. McDonogh's will, bequeathing him \$300,000. This case has already been on trial in the Second District Court of this city, but is still undetermined; and in the meantime, the place of Judge Morgan, recently presiding on this bench, has been supplied by the election of Judge Bermudez, to whom the whole proceedings, already taken, and the continuance of the trial, must now be submitted. In this case, Baltimore is ably represented by Christian Roselius and Robert Mott, Esqs., aided by Randall Hunt and Cyprian Dufour, Esqs., on the part of the city of New Orleans; and we have no hesitation in again expressing our belief that the result must terminate in our favor. The accounts of the two cities with the General Estate of John McDonogh, have been adjusted, and the balance appearing to the credit of New Orleans, say \$1,-943.83, paid over to the Secretary of the McDonogh School Fund of that city, per voucher accompanying our accounts.

We respectfully submit three separate accounts of the receipts and expenditures of the Estate by the joint board of Commissioners and Agents, since the 31st of December, 1857 (when the last account was rendered by the Secretary of the Board), until the period of its dissolution and down to July, 1859, when the balance of funds remaining to the two cities amounted to \$35.50. This sum has now been equally divided, and Baltimore's half, say \$17.75, duly appears to her credit in our account.

On the 17th April, 1860, we transferred, under the authority of an ordinance of the Mayor and City Council of Baltimore, approved May 28, 1858, a portion of the assets belonging to Baltimore, in cash and bills receivable, amounting in all to \$495,727.64, to the Board of Trustees of the McDonogh Fund and Institute of Baltimore—reserving, as a contingent fund, to meet possible adverse judgment in the case brought by the city of New Orleans for \$50,000 and interest—expenses of suit brought by Moses Fox—additional commissions allowed Mr. Emory, (one of the Agents) under certain conditions, and any other expenses accruing on the Estate, \$61,519.75 in cash, and sundry bills receivable, amounting to \$18,715.20. The amount transferred to the School Fund, remained on deposit, with the Citizens Bank of this place, one of the most responsible and best managed monied institutions in New Orleans, subject to the order and under the control of the Board of this fund in Baltimore. The reserved fund, also deposited with the Citizens Bank, forms a credit in the accounts of your agents, herewith, and has been used, so far as has been required, to meet the

judgment of the city of New Orleans ; the award to Mr. Emory and other expenses, chargeable to the Estate ; for all which the proper vouchers are herewith furnished. The documents submitted as part of this report, are: accounts A B and C showing the receipts and expenditures of the General Estate of John McDonogh, as already referred to, and carefully prepared from the books, kept by the Secretary.

D. Account of the city of Baltimore, with the agents, since their report of May 7, 1860—cash balance in bank, \$14,099.76.

E. Copy of the decree of the Supreme Court of Louisiana, in the suit brought by the city of New Orleans.

In continuing our report, we would beg respectfully, to refer your Honorable Body to the fact, that when we received the property of this Estate for sale and liquidation, its value under a careful appraisement, made by experienced judges of real estate in New Orleans, for the one-half assigned to Baltimore, was.....\$704,440.00
And that the unapportioned property, per report of exports, was valued, for our half, at..... 28,400.00

Total valuation of property assigned to Baltimore..\$732,840.00
Now, of this property, taken by us at a valuation of \$732,840.00 ; we have realized, up to this date, clear of all commissions allowed the agents, the handsome sum, including interest on credit sales of 783,222.45

And deducting the additional allowance now authorized to Mr. Emory, of..... 2,583.09
The amount will then be.....780,639.96
If we add to this the property still remaining unsold, say at a valuation of..... 75,000.00

The total amount.....855,639.36

will show a surplus over the estimated value of the property when it came into our hands, clear of all commissions, so far allowed us, of nearly \$125,000, a result, which we trust, cannot but be satisfactory.

The expenses in managing and liquidating so large a property, have been guarded with all the care and economy that it has been in our power to bestow upon them. The other charges on the estate, such as past and accruing taxes, our portion of amount due on judgment in favor of Francis Pena, for \$100,000 and interest ; legacies to the American Colonization Society, and to the Society for the Relief of Destitute Orphan Boys of New Orleans, amounting each to about \$90,000, form important items of account, and of course serve to reduce materially, the assets coming to Baltimore ; but as a large portion of these

has been devoted, in accordance with the will of the deceased, to worthy charities, we should feel ourselves thankful in being the instruments through which his kind intentions towards these institutions have been made so practically beneficial.

Of the notes transferred to the McDonogh Educational Fund of Baltimore, in the different series falling due this year up to the 8th April, inst., there are lying over unpaid, \$16,753 34, according to the list herewith, all of which, we should consider, are amply secured by the mortgage liens held by Baltimore, on the property for which they were given. Under the authority of John W. Randolph, Esq., President of the McDonogh Educational Fund of Baltimore, we agreed to renew for one year, a portion of the note of Mr. Henry Parlange, due 11th February last, amounting to \$11,760. Mr. Parlange paid \$3,000 towards this note, which was deposited to the credit of the School Fund, and promises a further \$760 at or within sixty days from the maturity of the note referred to. The notes of Mr. Parlange were given in settlement of his purchase of the Orleans Theatre, assigned to Baltimore in the partition of property, and he has up to this time, paid \$24,630 towards the purchase money and interest, and we consider the property in itself, amply sufficient to cover the remaining liability of the purchaser, although the endorsement of Mr. Charles Parlange, is an additional security to the debt.

In looking at the position of the estate up to this period, we would remark in view of the heavy and unavoidable charges upon it, that its result to our city has been more favorable than we could have anticipated, when we entered upon the discharge of our duties, and sufficient in importance to be of lasting benefit to the noble charity, so much the object of the solicitude of the testator.

In our administration, we have had many and varied difficulties to contend with. The mass of litigation in which the estate has constantly been involved, was great, and the multitude of details attending our labors, have been by no means light. We have, nevertheless, endeavored, faithfully and conscientiously, to discharge the duties of the trust which our city had confided to us, and with the hope that our efforts to this end will meet the approval of your Honorable Body, we submit this as a report of our administration to the present date.

We have the honor to remain, Gentlemen,
Your most obedient servants,

WM. S. PETERKIN,
BRANTZ MAYER,
THOS. L. EMORY,

Agents for Baltimore in the McDonogh Estate.
Baltimore, April 22d 1861.

New Orleans, April 12, 1861.

To the Honorable, the Mayor and

City Council of Baltimore :

GENTLEMEN :

We stated in our report to you of this date, pages 8 and 9, that we had transferred on the 17th April, 1860, the sum of \$495,727.64, to the trustees of the McDonogh School Fund, whereas only a portion of the amount, viz: \$423,808.82 was transferred to the School Fund on that date. Further transfers from property subsequently sold, were made to this fund afterwards, making the total amount \$495,727.64, in cash and bills receivable, as per our report of May 7, 1860.

We beg to hand you herewith, copies of orders for the delivery of the slaves remaining to the McDonogh Estate, to Thomas Allan Clarke, Esq., counsel and agent of the American Colonization Society.

We have the honor to remain, gentlemen,

Your most obedient servants,

WM. S. PETERKIN,

THOMAS L. EMORY,

Agents for Baltimore in the McDonogh Estate.

Mr. Clarke's acknowledgement of orders also herewith.

BRANTZ MAYER,

Baltimore, 22d April, 1861.

Agent McDonogh Estate.

State of Louisiana, City of New Orleans, sct.

Be it remembered, that on this fifteenth day of April, 1861, personally appeared before me, a duly authorized Commissioner of Deeds of the State of Maryland, William S. Peterkin and Thomas L. Emory, two of the authorized agents of Baltimore, for the receipt, administration, sale and liquidation of Baltimore's share of the McDonogh Estate, and being duly sworn, made oath, that the facts contained in this report are true.

In testimony whereof, I have hereto set my hand and seal of office, on the day and year above written.

{ SEAL. }

JAMES GRAHAM, *Commissioner, &c.*

ACCOUNT D.

Dr. *The City of Baltimore in account current with*

VOUCHER			
No.		\$	\$
1	To cash paid—judgment, interest since June 1, 1854, costs, and counsel's fees in suit of the city of New Orleans, as detailed in voucher.....		51,512 30
2	To Sheriff's fees in suit <i>v.</i> Rodriguez.....		17 95
3	Do. do. <i>v.</i> L'Meunir.....		53 65
4	Do. do. <i>v.</i> Kirchbaum in regard to title of property in parish of Livingston.....		31 68
5	To Sheriff's fees in suit <i>v.</i> Pena.....		44 40
6	" Arthur Saucier, J.P., for executing commission in suit <i>v.</i> Moses Fox.....		17 50
7	To Oscar Arroya, for taking inventory in parish of Plaquemines—\$200, one-half paid by New Orleans.....		100 00
8	To E. Burnet, N.P., taxes, costs, &c., on property in parish of Jefferson.....		99 60
9	City of New Orleans, balance due in account.....	1,983 80	
	Less portion of taxes in Jefferson	39 97	
			1,943 83
10	To Theo. Blunchard, sheriff, for taxes in Ibberville for 1860....		442 38
11	To City taxes, N. Orleans, 1859	6 00	
12	" State " 1st dist. N. Orleans	1 75	
13	" " " in Jefferson, '59	15	
14	" " " in St. James, '59	3 50	
			90 40
15	To Copy of decree of Supreme Court in suit <i>v.</i> Baltimore....	5 0	
	To Express Co. forwarding accounts to Baltimore	1 00	6 00
	Amount carried forward....		\$ 359 69

ACCOUNT D.

the Agents of the McDonogh Estate.

CR.

By balance of cash reserved by Agents to meet judgments, expenses, &c., deposited in Citizens' Bank of New Orleans, per report of May 7, 1860	\$	\$	
Less costs of protests of parties in default, accounts in suit.....	61,519 75		
	17 50		
	61,502 25		
Also fund reserved for additional allowance to Thos. L. Emory, subject to certain conditions per ordinance of Council	4,199 37		
			57,302 88
Amount carried forward.....			\$57,302 88

ACCOUNT CURRENT D—*Continued.*DR. *The City of Baltimore in account current with*

VOUCHER No.			
	To amount brought forward....	\$	\$54,359 69
	“ Acknowledgment of account of receipts and expendi- tures of General Estate, before a commissioner for Maryland		1 50
	“ Stationery, envelopes, paper		1 50
	“ Balance on hand March 8, '61		2,940 19
			<u>57,302 88</u>
16	“ Paid Thos. L. Emory, allow- ance per ordinance of Council, and under in- structions from the Hon. Geo. Wm. Brown, Mayor of Baltimore, dated March 28, 1861, $\frac{1}{2}$ per cent. com- mission on sales.....	4,249 75	
	Less amount deducted per in- structions	1,666 66	
			2,583 09
17	“ Remitted John W. Ran- dolph, Pres't. McDonogh School Fund Board in Bal- timore, draft of Citizens' Bank on New York \$9950 25 cts., bought at $\frac{1}{2}$ per cent. premium of exchange		10,000 00
	“ Balance in Citizens' Bank...		14,099 76
			<u>\$26,682 85</u>

E. & O. E.

ACCOUNT CURRENT D—*Continued.**the Agents of the McDonogh Estate.*

CR.

	By amount brought forward.....	\$57,302 88
		<u>\$57,302 88</u>
1861.		
Mar. 8	By Cash, balance on hand.....	\$2,940 19
	“ Contingent fund paid T. L. Emory in 1860, now returned by him in settle- ment of account	800 00
	“ Reserved fund to meet allowance to T. L. Emory, now recredited.....	4,199 37
	“ Bills receivable, paid in bank, reserved in 1860 to meet judgments and ex- penses	18,715 20
	“ Taxes on property sold J. P. R. Stone refunded	10 34
	“ Cash from General Estate, for $\frac{1}{2}$ balance due in account of receipts and expen- ditures—\$35 50— $\frac{1}{2}$	17 75
		<u>\$26,682 85</u>
	By balance in Citizens' Bank.....	\$14,099 76

WM. S. PETERKIN,

THOS. L. EMORY,

Agents of Baltimore for the McDonogh Estate.

NEW ORLEANS, April 12, 1861.

Mr. Bolgiano offered the following preamble and resolutions, which were read and referred to the joint standing committee on Ways and Means :

Whereas, from causes that now exist there is an imperative necessity to relieve our community of traders and working people from an embarrasment they now labor under from the want of a small currency, with which they shall be enabled to carry on prosperously their daily transactions, therefore be it

Resolved by the Mayor and City Council of Baltimore, That a joint committee of three members from each branch be appointed, who with the Mayor, shall be hereby authorized to issue Baltimore City Corporation notes, of the denomination of one dollar to the amount of _____, the same to be received and redeemed at any time for the payment of taxes or any other debt which is or may be owing to the City of Baltimore in its corporate capacity.

And be it Resolved, That the proceeds arising from the exchange of the one dollar notes for specie or bank notes of the banks of the City of Baltimore, be and the same is to be placed in the hands of the Register of the City of Baltimore for corporation purposes.

Mr. Staylor called up the resolution granting permission to F. H. Grupy to erect a steam engine not exceeding twelve horse power on his premises, No. 23 Grant street, said engine to be removed at any time upon six months' notice being given by the Mayor, which was read and adopted.

Mr. Nicholas, from the joint standing committee on Ways and Means, submitted the following report and an ordinance entitled "A further supplement to an ordinance entitled 'An ordinance for an increased supply of water from Jones' Falls,'" which were read and laid on the table :

The Joint Standing Committee on Ways and Means, having had under consideration so much of the Mayor's annual communication as relates to the financial condition of the City, respectfully report the accompanying ordinance.

J. S. NICHOLAS,
H. W. DRAKELEY,
E. WYATT BLANCHARD,
First Branch.

F. W. ALRICKS,
JAS. B. GEORGE, Sr.,
Second Branch.

Mr. Yeisley offered the following resolution, which was read:

Resolved by both Branches of the City Council of Baltimore, That the joint standing committee on Highways be, and they are hereby requested to examine into the condition of the stepping-stones across Alice Anna street, at its intersection with Washington street, also to examine into the propriety of placing stepping stones across Washington street, on the south side of Alice Anna street.

On motion of Mr. Yeisley, the resolution was read a second time, by special order, and adopted.

Mr. Brown called up the resolution directing the Water Engineer to remove the fountain on Calvert street, near Bath street, from its present location, which was read and adopted.

Mr. Brown called up the resolution directing the Water Board to erect a large iron fire plug on the northwest corner of Fayette and Aisquith streets, one large iron fire plug on the southeast corner of Gay street and Aisquith street, and also one large iron fire plug at the northwest corner of Orleans street and Aisquith street, which was read and adopted.

On motion of Mr. Nicholas, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, April 26th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Drakeley called up the resolution discharging the joint standing committee on Ways and Means from the further consideration of the communication from the Water Board in rela-

tion to an additional appropriation for repairs of pumps, &c., which was read and concurred in.

Mr. Allen called up the resolution granting permission to Richard Myers to sink a well opposite to his premises, corner of Hamburg and Leadenhall streets, and place a pump therein for the purpose of draining the water from his cellar, which was read and concurred in.

Mr. Drakeley moved that a message be sent to the Second Branch, proposing, with their concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock, which was determined in the affirmative.

Mr. Nicholas called up the ordinance entitled "A further supplement to an ordinance entitled 'An ordinance for an increased supply of water from Jones' Falls,'" which was read.

Mr. Nicholas moved to amend the ordinance by striking out the words "the Commissioners of" in the third line of the first section, which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by inserting after the word "enacted" in the first line of the second section, the words "and ordained," which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by striking out the words "the Commissioners of" in the first and second lines of the second section, which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of John G. McCullough, asking permission to erect a steam engine on his premises, corner of Pratt and Fremont streets, and also the remonstrance of O. W. Eichelberger and Thomas M. Abbott against the same, having visited the premises and had the subject fully under consideration are of the opinion that the said engine will in no wise

endanger the property in the neighborhood, nor will it interfere with the studies in the Public School contiguous thereto. They therefore beg leave to offer the following resolution :

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

ASA HIGGINS,

JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to John G. McCullough to erect a steam engine not exceeding fifteen horse power on his premises, corner of Pratt and Fremont streets, the same to be removed at any time upon six months' notice to that effect being given by the Mayor.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas moved that the committee on Ways and Means have leave to set during the session of the Branch, which was determined in the affirmative.

The following message was received from the Second Branch :

IN SECOND BRANCH,

Baltimore, April 26th, 1861.

Gentlemen of the First Branch :

We respectfully inform you that we have concurred in your proposition, that when the Council adjourns this afternoon it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

The Second Branch returned the ordinance entitled "An ordinance supplementary to revised ordinance No. 19, approved May 31st, 1858, providing for the appointment of Superintendents of Streets," endorsed "passed."

A report from the joint standing committee on the Fire Department, with a resolution granting permission to J. Etchberger to extend his summer kitchen, on his premises No. 342 north side of East Baltimore street, six feet further back, provided the same shall be removed after six months' notice to that effect shall have been given by the Mayor and City Council, were received from the Second Branch and read.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and concurred in.

The Second Branch returned the resolution authorizing the Comptroller to erect at the Fish Market, Centre Market Space, such new fish stalls as may be required, and to repair the shed at the south end of Centre Market House, at Pratt street, at a cost not exceeding one hundred and fifty dollars, and to remove the Fish Market at Hollins Street Market to a more suitable place, at a cost not exceeding thirty dollars, the expense thereof to be deducted from the receipts of said markets, the resolution directing the City Commissioners to place flag stones across Chew street at its intersection with Gay street, across Eden at its intersection with Gay and Chew streets, north side Gay street where it intersects Eager street, across Caroline at its intersections with Eager street, across Eden street where it intersects Eager street, across Chase street where it intersects with Caroline street, across Biddle street where it intersects with Eden street and where it intersects at Canal street, and across Somerset street where it intersects with Chase and Biddle streets, the resolution discharging the joint standing committee on Markets from the further consideration of the petition of 'Thomas Lister and James Foos, and the resolution granting permission to Jno. W. Maxwell & Son to erect a verandah on the second story of their new building on Calvert street, near Franklin, to extend three feet from the building line, severally endorsed "concurred in."

Mr. Myers called up the resolution authorizing Samuel Burns and George F. Sloan to continue in use the pier in front of their property on Light street wharf, provided the same be removed by them, at their expense, within twelve months after a resolution directing said removal shall have been adopted by the Mayor and City Council of Baltimore, which was read and rejected by the following vote, the yeas and nays being required by Mr. Chase :

Yeas—Messrs. President, Myers, Bouldin, Thomas, Bandel, Nicholas and Blanchard—7.

Nays—Messrs. Yeisley, Wolf, Bolgiano, Staylor, Brown, Drakeley, Allen, Chase, Dixon, Hay, Tegmeyer and Crout—12.

Messrs. Nicholas and Blanchard asked to be excused from voting, but the Branch refused to excuse them.

On motion of Mr. Bouldin, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*.

Monday, April 29th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

The following communication was received from the Mayor :

MAYOR'S OFFICE—CITY HALL,
Baltimore, April 29th, 1861.

To the Honorable the Members

of the First Branch of the City Council :

GENTLEMEN :

I have approved of the following ordinances and resolutions emanating from your Branch, viz :

An ordinance to correct a discrepancy existing between revised ordinance No. 10, section 18, of 1858, and the public general laws, article 18, section 49, prescribing the time at which distraint for taxes unpaid may be served.

An ordinance to lay and collect a direct tax for the repairs of highways and bridges in certain parts of the city of Baltimore, and the necessary grading and masonry required for the construction of the same.

An ordinance to create a sinking fund to redeem the stock issued for rebuilding the Court House.

An ordinance to provide for the payment of sundry expenses of the Criminal Court of Baltimore, arrears due on account of the late Baltimore City Court, for the City Poor in the Alms-house of Baltimore City, the House of Refuge, the Aged Women's Home, and for the Dispensaries for the year 1861.

An ordinance to lay and collect a tax for the support of the Police of the City of Baltimore for 1861.

An ordinance to lay and collect a tax for the redemption of the Jail Stock for 1861.

An ordinance to lay and collect a tax for the redemption of the Water Stock for the year 1861.

An ordinance to lay and collect a direct tax for the year 1861.

An ordinance to lay and collect a tax for the payment of certain expenses of the Courts, Jail, &c.

An ordinance to lay and collect a direct tax for the use of the State for the year 1861.

Supplement to ordinance No. 6 of revised ordinances, entitled "An ordinance relative to the public debt of the city of Baltimore, approved June 11th, 1858."

An ordinance to repeal ordinance No. 35, entitled "An ordinance relating to city taxation," received in the Register's office, May 16th, 1860.

An ordinance supplementary to an ordinance entitled, "An ordinance providing for the prompt collection of taxes on personal property levied by the State and City," approved April 1st, 1861, and explanatory of the same.

An ordinance for the payment of the expenses of the Public Schools in the City of Baltimore for the year 1861.

Resolution to place gas mains along Fayette street.

Resolution to place a gas lamp in College alley.

Resolution to place a gas lamp in Wilson alley.

Resolution to place flag stones across Columbia street.

Resolution to enlarge the mouth of a sewer on Saratoga street.

Resolution to place water pipes and steam fire plugs on certain streets.

Resolution to change the curb stones on the west side of Register street.

Resolution to place flag stones across Pennsylvania avenue.

Resolution relative to the grading and paving of Webster street.

Resolution to raise the bridge on Ridgley street, and repair the road near Long Bridge.

Resolution permitting John Bullock & Sons to keep swine on their premises.

Resolution in favor of Kerr & Co., proprietors of the *Daily Exchange*.

Resolution empowering the Mayor of the city to contract with the City Passenger Railway Association.

Respectfully,

GEO. WM. BROWN, *Mayor*.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Bolgiano moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Bolgiano and Chase, who repaired to the chamber of the Second Branch and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Nicholas offered the following resolution, which was read:

Resolved by both Branches of the City Council of Baltimore, That the Mayor be and he is hereby requested to communicate with the General Assembly of Maryland, now in session, for the purpose of procuring such action of that body as may in their judgment be most advisable to bring about as early a restoration of the communication by the different rail roads and other means between the city of Baltimore and other parts of the country as may be entirely consistent with the safety and welfare of the city and State.

On motion of Mr. Nicholas, the resolution was read a second time, by special order, and adopted.

The following ordinance was received from the Second Branch and read:

An ordinance for the preservation of the peace of the city of Baltimore:

Be it enacted and ordained by the Mayor and City Council of Baltimore, That the Mayor of the city is hereby authorized and empowered, when in his opinion the same may be required by a

proper regard for the promotion of the peace of the city, to prohibit by proclamation for a limited period, to be designated by him, the public display of all flags or banners in the city of Baltimore, except on buildings or vessels occupied or employed by the Government of the United States; and if any flag or banner shall be hoisted or displayed contrary to the provisions of this ordinance, it shall be removed or taken down by the police; and every person offending against the provisions of this ordinance, or interfering with the execution thereof, shall be subject to a fine not exceeding twenty dollars for each offence.

On motion of Mr. Nicholas, the ordinance was read a second time, by special order, and passed.

The Second Branch returned the resolution requesting the Mayor to communicate with the General Assembly of Maryland, now in session, for the purpose of procuring such action of that body as may in their judgment be most advisable to bring about as early a restoration of the communication by the different railroads and other means between the city of Baltimore and other parts of the country as may be entirely consistent with the safety and welfare of the city and State, endorsed "concurred in."

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinances and resolutions were presented to the Mayor on the 27th instant:

An ordinance to correct a discrepancy existing between revised ordinance No. 10, Sect. 18 of 1858 and the Public General Laws, Art. 18, Sect. 49, prescribing the time at which distraint for taxes unpaid may be served.

An ordinance to lay and collect a direct tax for the repairs of highways and bridges in certain parts of the city of Baltimore, and the necessary grading and masonry required for the construction of the same.

An ordinance to create a sinking fund to redeem the stock issued for rebuilding the Court House.

An ordinance to provide for the payment of sundry expenses of the Criminal Court of Baltimore, arrears due on account of the late Baltimore City Court, for the City Poor in the Alms-house of Baltimore City, the House of Refuge, the Aged Womens' Home, and for the Dispensaries, for the year eighteen hundred and sixty-one.

An ordinance to lay and collect a tax for the support of the Police of the city of Baltimore for 1861.

An ordinance to lay and collect a tax for the redemption of the Jail Stock for 1861.

An ordinance to lay and collect a tax for the redemption of the Water Stock for the year 1861.

An ordinance to lay and collect a direct tax for the year eighteen hundred and sixty-one.

An ordinance to lay and collect a tax for the payment of certain expenses of the Courts, Jail, &c.

An ordinance to lay and collect a direct tax for the use of the State for the year eighteen hundred and sixty-one.

Supplement to ordinance No. 6 of revised ordinances entitled "An ordinance relative to the public debt of the city of Baltimore," approved June 11th, 1858.

An ordinance to repeal ordinance No. 35, entitled "An ordinance relating to city taxation, received in the Register's office May 16th, 1860."

An ordinance supplementary to an ordinance entitled "An ordinance providing for the prompt collection of taxes on personal property levied by the State and City," approved April 1st, 1861, and explanatory of the same.

An ordinance for the payment of the expenses of the Public Schools in the city of Baltimore for the year eighteen hundred and sixty-one.

Resolution empowering the Mayor of the city to contract with the City Passenger Railway Association.

Resolution to place gas mains along Fayette street.

Resolution to enlarge the mouth of a sewer on Saratoga street.

Resolution to place flag stones across Pennsylvania avenue.

Resolution to place water pipes and steam fire plugs on certain streets.

Resolution to place a gas lamp in College alley.

Resolution to change the curb stones on the west side of Register street.

Resolution in favor of Kerr & Co., proprietors of the Daily Exchange.

Resolution permitting John Bullock & Sons to keep swine on their premises.

Resolution to raise the bridge on Ridgley street, and to repair the road near the long bridge.

Resolution to place flag stones across Columbia street.

Resolution relative to the grading and paving of Webster street.

Resolution to place a gas lamp on Wilson alley.

Resolution to improve the condition of the Back Basin and Jones' Falls, and the wharves and stone walls binding thereon.

Tuesday, April 30th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Bolgiano presented the petition of Julia Gilliard, asking the payment of the amount awarded to her deceased husband by the Commissioners for Opening Streets, for a portion of his property condemned as part of the bed of Chase street, which was referred to the joint standing committee on Claims.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom was referred the petition of Rezin Hammond, also the petition of Wm. H. Dorsey and wife, praying a return of taxes paid in error, recommend the adoption of the following resolution:

E. WYATT BLANCHARD,
JOHN BOLGIANO,
JOHN J. STAYLOR,
First Branch.

DECATUR H. MILLER,
JAS. B. GEORGE, Sr.,
Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the petitions of Rezin Hammond and of Wm. H. Dorsey and wife, praying a return of taxes paid in error, be and they are hereby referred for decision to the Appeal Tax Court, and the Comptroller is authorized to pay to the petitioners such sum as said Court shall certify to be due.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Myers offered the following preamble and resolution, which was read:

Whereas an act was passed by the City Council, and approved by the Mayor, authorizing the city to loan to the Park Com-

missioners twenty thousand dollars for the employment of mechanics and workingmen, residents of this city, one half to be used at Druid Hill Park, and one half to be used at Patterson's Park; and whereas many laborers of the eastern section of the city, beside the property holders, are enquiring when the work is to be commenced; and whereas it is in the power of the Park Commissioners to commence the improvements at this point equally with those at Druid Hill, thereby allaying all excitement for labor consequent upon the delay; therefore,

Be it resolved by the First Branch of the City Council, That the Park Commissioners be, and they are hereby respectfully requested to inform this Branch what arrangements have been made towards the accomplishment of the benign purpose for the employment of labor in the eastern section of the city, as contemplated by the Mayor and City Council, for the improvement of Patterson's Park.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the City Counsellor be, and he is hereby requested to examine the title of the city to Battery square, and to report what measures, if any, are requisite to perfect the title of the city to the same.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Myers called up the ordinance entitled "An ordinance authorizing the Mayor, Register and Comptroller to contract for the construction of a wharf at Herring Bar, in the harbor of Baltimore," which was read.

Mr. Bolgiano moved that the ordinance be laid on the table and made the order of the day for Monday week, which was determined in the affirmative.

The following ordinance was received from the Second Branch and read :

An ordinance supplementary to ordinance No. 10, approved June 5, 1858, for collecting the taxes of the city of Baltimore, &c., and the ordinance providing for the prompt collection of

taxes on personal property, passed during the present session of the Council.

Be it enacted and ordained by the Mayor and City Council of Baltimore, That the City Collector be, and he is hereby authorized and empowered to extend the term for which discounts are allowed for the prompt payment of taxes from the first to the tenth of May, 1861, and that all persons paying taxes previous to the tenth of May be allowed the same rates of discount as though they had been paid on or before the first day of May, anything in the ordinances to which this is a supplement, or any other ordinance, to the contrary notwithstanding; provided that the provisions of this ordinance shall not extend beyond the present year.

On motion of Mr. Bandel, the ordinance was read a second time, by special order, and passed.

A report from the joint standing committee on Police and Jail, with resolutions authorizing the City Commissioners to arrange with the contractor for building the wall around the new Jail, and close the contract upon such terms as may be mutually agreed upon, or failing to agree, to refer the same to an arbitration; and to contract for building a sufficient stone wall to an additional height not exceeding twelve feet, and draw on the Register through the Comptroller for twenty-eight hundred dollars, or so much thereof as may be necessary; and to sell or store the iron and iron railing for the Jail wall, as may be most advantageous for the city; and to contract for the repairs of the water closets in said Jail, said repairs to be made according to specifications to be furnished by said City Commissioners, and draw on the Register through the Comptroller for seven hundred and forty-eight dollars, or so much thereof as may be necessary, were received from the Second Branch and read.

On motion of Mr. Chase, the resolutions were read a second time, by special order, and concurred in.

The Second Branch returned the resolution requesting the joint standing committee on Highways to examine into the condition of the stepping stones across Alice Anna street at its intersection with Washington street, also to examine into the propriety of placing stepping stones across Washington street on the south side of Alice Anna street, the resolution authorizing the Water Board to erect a large iron fire plug on the northwest corner of Fayette and Aisquith streets, one large iron fire plug

on the southeast corner of Gay and Aisquith streets, and also one large iron fire plug at the northwest corner of Orleans and Aisquith streets, and the resolution granting permission to F. H. Grupy to erect a steam engine not exceeding twelve horse power on his premises, No. 23 Grant street, said engine to be removed at any time upon six months' notice being given by the Mayor, severally endorsed "concurred in."

Mr. Staylor offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the sum of fifty dollars be, and the same is hereby appropriated for winding and keeping in repair the clock on No. 6 Engine House during the year 1861, and also a like sum for a similar purpose for the clock on Engine House No. 7, the amount to be taken out of any money in the treasury not otherwise appropriated.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard called up the ordinance entitled "A supplement to an ordinance entitled 'An ordinance for the measurement of charcoal,' approved June 5th, 1858," which was read and passed.

The Second Branch returned the ordinance entitled "An ordinance making appropriations for the year eighteen hundred and sixty-one," endorsed "passed."

Mr. Staylor offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Water Commissioners be, and they are hereby authorized and directed to cause the pump on Constitution street, between Buren and Fall streets, to be put in complete repair, the expense of the same to be taken out of the appropriation for pumps for 1861.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of Thomas Bradyhouse, asking for a certain privilege therein named, beg leave to report that they have examined the premises, and are satisfied that the property holders on the westernmost side of Bond street, south of Thames street and the water, can use one-fifth of the said Bond street without any detriment to the public travel, and they therefore respectfully offer the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That Thomas Bradyhouse and others, occupiers of property on the westernmost side of Bond street, between Thames street and the water, be, and they are hereby authorized to use and occupy a portion of the footway in front of their respective premises, and not to exceed the one-fifth part of said Bond street, measuring from the westernmost curb line of said street, for the prosecution of their respective business, said privilege to terminate on the 1st day of May, 1862.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of Coleman and Cleavland, asking the privilege of using a portion of the footway and street in front of their premises, not exceeding the one-fifth of the stone pavement, for the space of eight or ten days at a time, beg leave to report that they have examined the premises, and are satisfied

that the petitioners' prayer should be granted, and they therefore offer the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,
First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That Messrs. Coleman and Cleavland be, and they are hereby authorized to use and occupy for their business operations the one-fifth of the stone pavement of Thames street in front of their premises, and three feet of the footway measuring northerly from the curb stone, said permission to extend for the space of twelve months, and all obstructions to be removed at any time by notice from the Mayor.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Bolgiano, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, May 1st, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read:

The joint standing committee on Health, to whom was referred the petition of George Dexter, asking permission to keep hogs at his place, at the extreme end of Franklin street, having had the same under consideration, and discerning no reason why such permission should not be granted, offer the following resolution :

D. E. THOMAS,

JOHN BOLGIANO,

H. H. CHASE,

First Branch.

ASA HIGGINS,

WM. DEAN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be, and the same is hereby granted to George Dexter to keep swine on his premises, not exceeding twenty in number at any one time, the same to be removed upon three months' notice being given to said Dexter by the Mayor.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read :

The joint standing committee on Health, to whom was referred the petition of Wm. Hissey, asking permission to keep hogs at his place on Ridgely street, near the Spring Garden, having had the same under consideration, are of the opinion that by giving said Hissey such permission, it would be injurious and offensive to the people living in that vicinity.

D. E. THOMAS,

JOHN BOLGIANO,

H. H. CHASE,

First Branch.

ASA HIGGINS,

WM. DEAN,

Second Branch.

Resolved by both Branches of the City Council, That the joint standing committee on Health be, and they are hereby

discharged from the further consideration of the subject of said petition.

On motion of Mr. Thomas, the resolution was read a second time, by special order, and adopted.

Mr. Brown offered the following resolution, which was read:

Resolved, That the committee on Police and Jail be, and they are hereby directed to enquire and ascertain as far as practicable the manner in which the measurer of charcoal for the city performs the duties of his office, and the number of cubic inches allowed by him for each bushel.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution directing the Water Engineer to remove the fountain on Calvert street, near Bath street, from its present location, endorsed "non-concurred in."

The Second Branch returned the resolution granting permission to John G. McCullough to erect a steam engine not exceeding fifteen horse power on his premises, corner of Pratt and Fremont streets, the same to be removed at any time upon six months notice to that effect being given by the Mayor, endorsed "concurred in."

The Second Branch returned the ordinance entitled "An ordinance to repeal supplementary ordinance No. 88, approved 26th September, 1860," and the ordinance entitled "A further supplement to an ordinance entitled 'An ordinance for an increased supply of water from Jones' Falls,' " severally endorsed "passed."

A report from the joint standing committee on Police and Jail, with a resolution directing the City Commissioners to place a gas lamp on Uhler's alley, between Charles and Hanover streets, were received from the Second Branch and read.

On motion of Mr. Chase, the resolution was read a second time, by special order, and concurred in.

Mr. Bandel called up the resolution recommending William Peacock, a deaf mute of the city of Baltimore, who is under twenty-one years of age, of sound mind and in indigent circum-

stances, to the Governor of the State of Maryland as a beneficiary under the New Code of Maryland, article 33, which was read and adopted.

Mr. Blanchard called up the resolution authorizing the Mayor to employ some competent person, as often as occasion may require, and when in his opinion the interests of the city will thereby be promoted, to aid the City Counsellor in the examination of the titles and conveyances of property in which the city of Baltimore is, or may be interested, and in the examination of titles in cases connected with the proper discharge of the duties of any branch of the city government, and in preparing cases for trial, in which the city of Baltimore is, or may be interested, and in which testimony may be properly taken. The person so employed to act under the direction of the City Counsellor, and to be employed not permanently, but only to the extent and when, in the opinion of the Mayor, such employment is proper and necessary. And further authorizing the Mayor to employ some competent person, if he should deem this necessary, and to the extent he may deem it necessary so to do, to collect and put in a book or books, in some simple and intelligent form, abstracts of conveyances and titles of city property, inclusive of wharf property, with all proper details, plats, descriptions and alphabets for reference, and showing the rents and incomes of the parts under rent or lease, and where unproductive, estimating the probable value thereof, which book or books, when completed, shall be deposited for safe keeping and use in the office of the Register of this city, and that all additions and changes shall be noted in the said book or books as they may occur in such manner as may be directed by the Mayor, which was read.

Mr. Blanchard moved to amend the resolution by adding at the end thereof the words "provided that no more than five hundred dollars shall be expended in any one year under the provisions of this resolution," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Brown called up the resolution discharging the joint standing committee on Water from the further consideration of the petition of Thomas Gardner and others, which was read and "concurred in."

Mr. Hay called up the resolution discharging the joint standing committee on the Almshouse from the further consideration of the petition of William J. Marshall, which was read and adopted.

Mr. Blanchard called up the resolution discharging the joint standing committee on Highways from the further consideration of the petition of H. J. Rieman and others, in reference to repealing the ordinance for the opening, widening, and extending of Arch street, and also the petition of John Lester and others remonstrating against the repeal of said ordinance, and moved that the same with the accompanying report be recommitted to the said committee on Highways, which was determined in the affirmative.

Mr. Thomas called up the resolution appropriating five hundred dollars respectively to the Eastern, the Southern, and North-Eastern Dispensaries for the year 1861, which was read.

Mr. Nicholas moved that the consideration of the resolution be indefinitely postponed, which was determined in the affirmative.

On motion of Mr. Chase, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance was this day presented to the Mayor:

An ordinance to authorize and empower the Clerk of the Court of Common Pleas of Baltimore City, to receive and collect the tax of five pounds Maryland currency on tavern licenses, and the Jail tax of four dollars on licenses.

Thursday, May 2d, 1861.

The Branch met pursuant to adjournment.

Present—All the members, except JOHN C. BLACKBURN, Esq., President, and Mr. Phelps.

On motion of Mr. Myers, JOHN BOLGIANO, Esq., was elected President pro tem.

The Second Branch returned the resolution referring the petitions of Rezin Hammond and William H. Dorsey and wife, praying a return of taxes paid in error, for decision to the Appeal Tax Court, and authorizing the Comptroller to pay to the petitioners such sum as said Court shall certify to be due, the resolution authorizing Thomas Bradyhouse and others, occupiers of property on the westernmost side of Bond street, between Thames street and the water, to use and occupy a portion of the footway in front of their respective premises, and not to exceed the one-fifth part of said Bond street, measuring from the westernmost curb line of said street, for the prosecution of their respective business, said privilege to terminate on the 1st day of May, 1862, the resolution authorizing Messrs. Coleman and Cleavland to use and occupy for their business operations the one-fifth of the stone pavement of Thames street in front of their premises, and three feet of the footway measuring northerly from the curb stone, said permission to extend for the space of twelve months, and all obstructions to be removed at any time by notice from the Mayor, the resolution appropriating the sum of fifty dollars for winding and keeping in repair the clock on No. 6 Engine House during the year 1861, and a like sum of fifty dollars for a similar purpose for the clock on Engine House No. 7, and the resolution authorizing and directing the Water Commissioners to cause the pump on Constitution street, between Buren and Fall streets, to be put in complete repair, severally endorsed "concurred in."

The Second Branch returned the ordinance entitled, "A supplement to an ordinance entitled 'An ordinance for the measurement of charcoal,' approved June 5th, 1858," endorsed "passed."

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom was referred the claim of C. S. Willett for payment of the amount due for

the purchase of an iron safe for the City Collector's office, respectfully recommend the adoption of the following resolution:

E. WYATT BLANCHARD,
JOHN BOLGIANO,
JOHN J. STAYLOR,

First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be, and he is hereby authorized and directed to pay to C. S. Willett, out of any money not otherwise appropriated, the sum of one hundred and five dollars, for a chilled iron safe furnished to the City Collector's office.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin called up the resolution authorizing the Register, when the lawful majority of the owners of the front feet of the property on Eastern avenue from Washington street to Castle alley, and between Castle alley and Chester street, shall sign an application to repave said streets between the points named, and file the same with the City Commissioners, and the same work shall have been faithfully executed under the approbation of said Commissioners, to pay to the order of said Commissioners, with the approval of the Mayor, the city's proportion of said expense, which was read and adopted.

Mr. Staylor, from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read:

The joint standing committee on the Fire Department, to whom was referred the petition of A. Burdett, asking permission to erect a frame shed and bath house on his premises. No. 364 West Lexington street, having visited the premises are of the opinion that the said privilege will in no wise endanger the ad-

joining property. They therefore beg leave to offer the following resolution:

JOHN J. STAYLOR,

JESSE HAY,

J. H. TEGMEYER,

First Branch.

JAS. B. GEORGE, Sr.,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to A. Burdett to erect a frame shed and bath house on his premises, No. 364 West Lexington street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Myers moved that a message be sent to the Second Branch, proposing, with their concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock, which was determined in the affirmative.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, May 2d, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition, that when the Council adjourns this afternoon it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Wolf, the Branch adjourned until Monday afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, May 6th, 1861.

The Branch met pursuant to adjournment.

Present—All the members, except Messrs. Staylor, Blanchard, and Phelps.

Mr. Yeisley presented the petition of H. Abbott and others, praying the rebuilding of the bridge of P. W. & B. R. R. Co. over Harris Creek, which was referred to the joint standing committee on Bridges.

Mr. Nicholas presented the petition of O. C. H. Emory and others, praying that the opening of John's street east from Harford avenue be directed to be suspended during the present crisis and until further order, which was referred to the joint standing committee on Highways.

Mr. Bouldin, from the joint standing committee on Highways, offered the following report, which was read and laid on the table:

The joint standing committee on Highways, to whom was referred the petition for repealing of the ordinance for the opening of Warner street, and the remonstrances against the repealing of the same, report that they have visited the premises and have come to the conclusion that public good and convenience demand said improvement; therefore, the committee, in order to remove all doubt as to the construction of Section 1, of Ordinances, 1860, No. 82, approved September 18th, 1860, offer the ordinance hereto annexed:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

••

First Branch

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

An ordinance explanatory of and supplementary to an ordinance entitled "An ordinance to open and condemn Warner street, from Little Camden street (formerly Elbow Lane,) to Columbia street," No. 82, of ordinances of 1860, approved September 18, 1860.

Whereas, doubts have been expressed as to the true location of the bed of the street proposed by ordinances of 1860, No. 82, approved September 18, 1860, to be opened because of the words "running South to Little Camden street" being used in the first section of the above mentioned ordinance, in describing the said street to be opened. And whereas, it is deemed just and prudent that said description should be so explained that the same may carry out the intention and meaning of the Mayor and City Council of Baltimore, in passing said ordinance No. 82, of Ordinances 1860, approved September 18, 1860. Therefore,

Sec. 1. Be it enacted and ordained by the Mayor and City Council of Baltimore, That in locating and opening that part of Warner street, authorized to be opened by the above mentioned ordinance entitled "An ordinance to open and condemn Warner street, from Little Camden street (formerly Elbow Lane,) to Columbia street," ordinance No. 82, of ordinances 1860, approved September 18, 1860, the Commissioners for Opening Streets in the City of Baltimore be, and they are hereby directed and required, to locate and open said street, to commence on the southermost side of Columbia street, where a line drawn northwesterly along the northeasternmost side — Jones' house will intersect the southermost side of Columbia street, and running thence northeasterly bounding on Columbia street thirty-eight feet to — Numsen's house, thence southeasterly along the southwesternmost side of said Numsen's house, and continuing the same course to the northermost side of Little Camden street, (formerly Elbow Lane,) thence southwesterly bounding on Little Camden street, (formerly Elbow Lane,) until it intersects a line drawn southeasterly from the place of beginning along the southeastermost line of Jones' house, and thence northwesterly, reversing said line and bounding thereon to the place of beginning.

Sec. 2. And be it enacted and ordained, That the Commissioners for Opening Streets shall proceed in all respects in condemning and opening Warner street, from Little Camden street (formerly Elbow Lane,) to Columbia street, in accordance with the provisions of an ordinance entitled "An ordinance to provide for exercising certain powers vested in this Corporation in relation to Streets in the City of Baltimore, approved June 5, 1858, and the Collector and Register of the City shall also perform such duties in relation to streets as are required of them by the provisions of this ordinance.

Mr. Chase offered the following resolution, which was read:

Resolved by the First Branch of the City Council, That the City Register be requested to inform this Branch whether the City Passenger Rail Road Company have made their report, and paid over the amount due the city for the last quarter ending April 28th, 1861.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution discharging the joint standing committee on Health from the further consideration of the petition of Wm. Hissey to keep hogs on his premises, the resolution discharging the joint standing committee on the Almshouse from the further consideration of the petition of Wm. L. Marshall for the payment to him of money, on account of his services as architect of the New Almshouse, the resolution recommending William Peacock, a deaf mute, to the Governor of the State, as a beneficiary under the New Code of Maryland, Art. 33, and the resolution authorizing the Mayor of the City to employ some person to aid the City Counsellor in the examination of titles and conveyances of city property, also to prepare abstracts of conveyances and titles of the city, with all proper details, &c., severally endorsed "concurred in."

An ordinance supplementary to an ordinance, entitled "An ordinance to regulate the navigation of the Harbor of Baltimore, to appoint Harbor Masters, and to prescribe their duties," approved June 16th, 1858, was received from the Second Branch, read, and laid on the table.

Mr. Bandel gave notice of his intention to introduce an ordinance entitled, "An ordinance to provide for the appointment of Visitors to the City Jail."

Mr. Dixon called up the resolution authorizing the City Block Ferry and Towing Company to use and occupy all the water front of the end of West Falls avenue and Great Hughes street, for the purposes of running a steam ferry boat or boats between said points, which was read.

Mr. Allen moved to amend the resolution by striking out the word "six" in the ninth line of the resolution, and inserting the word "nine," which was adopted.

Mr. Chase moved to further amend the resolution by striking out in the last line of the resolution the words "and City Council," which was adopted.

On motion of Mr. Bolgiano, the resolution was laid on the table.

The President appointed Mr. Bandel on the joint standing committee on Police and Jail, and Mr. Blanchard on the joint standing committee on Education, in place of Mr. Phelps, who was absent.

On motion of Mr. Bandel, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, May 7th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Staylor and Phelps.

Mr. Bouldin moved to amend the Journal by striking out all after the last line of the second section of the ordinance, page 667, to the last line on page 670 inclusive, which was adopted.

Mr. Wolf presented the petition of Susanna Jackson, for permission to continue in use a wooden awning in front of her dwelling, S. E. corner of Eastern avenue and Eden street, which was referred to the joint standing committee on the Fire Department.

The following communication was received from the Mayor and read:

MAYOR'S OFFICE—CITY HALL,

*Baltimore, May 7th, 1861.**To the Honorable the Members of the**First and Second Branches of the City Council.*

GENTLEMEN :

I call your attention to the unfortunate condition of the trade and business of the City.

The authorities of the City fully recognize and admit their obligation to submit to the lawful authority of the Government of the United States, but the citizens have a right to the protection of laws to which they yield obedience.

The Commissioners, who recently represented the General Assembly of Maryland, in an interview with the authorities at Washington, have reported that no acts of hostility or resentment were contemplated by the General Government against the City of Baltimore, and indeed no such acts would be justified either by law or the facts of the case.

Notwithstanding this assurance, it has come to my knowledge that harsh and restrictive measures have been adopted and are stringently carried out, by persons claiming to act under the authority of the General Government, by which the trade and mechanical interests of the City are prostrated and suffering is inflicted on the entire population.

I do not believe that these proceedings receive the sanction of the Executive of the United States, and therefore recommend that you at once adopt such measures as in your judgment may be proper, to bring these grievances before the President, and respectfully to ask for redress.

With great respect, your obedient servant,

GEO. WM. BROWN, *Mayor.*

On motion of Mr. Myers, a message was sent to the Second Branch, asking, with their concurrence, the appointment of a joint special committee to take into consideration the above communication from the Mayor, and to recommend such measures as are proper to be adopted in the premises.

The Second Branch returned the resolution granting permission to A. Burdett to erect a frame shed and bath house on his premises, No. 364 West Lexington street, and the resolution authorizing the Comptroller to pay to C. S. Willett the sum of one hundred and five dollars, for a chilled iron safe furnished to the City Collector's office, severally endorsed "concurred in."

A report from the joint standing committee on the Fire Department, with a resolution authorizing the Superintendent of the Police and Fire Alarm Telegraph to procure such additional extra telegraphic apparatus, for the use of the Police and Fire Alarm Telegraph Department of the city of Baltimore, as may, in his judgment, be needed to prevent any interruption or delay in the complete, proper, and expeditious working of the same; and appropriating the sum of one hundred and fifty dollars (\$150), or so much thereof as may be necessary, to pay for the same, were received from the Second Branch and read.

On motion of Mr. Chase, the resolution was read a second time, by special order, and concurred in.

Mr. Bandel asked and obtained leave to introduce an ordinance entitled, "An ordinance providing for the appointment of Visitors of the Jail of Baltimore City," which was read and laid on the table.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, May 7th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition for the appointment of a joint select committee to take into consideration the communication from the Mayor, in relation to the present condition of the trade and business of the city, and to recommend such measures as are proper to be adopted in the premises. We have appointed Messrs. Miller, Alricks and Higgins as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

The President appointed Messrs. Nicholas, Drakeley, and Blanchard as the committee on the part of this Branch.

Mr. Bolgiano offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized and directed to have gas mains laid along Caroline street from Chase to Eager

streets, along Eden street from Chase to Eager streets, in accordance with the provisions of an ordinance of the Mayor and City Council, "entitled an ordinance to provide for the more general lighting of the thoroughfares of the city with gas light, approved May 3d, 1859."

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and an ordinance, entitled "An ordinance to close Conway street, between Howard and Eutaw streets," which were read and laid on the table:

The joint standing committee on Highways, in reference to the petition of the Baltimore and Ohio Railroad Company for the closing of Conway street, and the remonstrance of E. Y. Reese and others against the same, and which petition and remonstrance were referred to said committee, beg leave to state that they have considered said petition and remonstrance, and are satisfied that the notice required by law to be given before such application to the Mayor and City Council, was duly given. They therefore respectfully submit the accompanying ordinance.

OWEN BOULDIN,

JESSE HAY,

First Branch.

ASA HIGGINS,

JESSE MARDEN,

Second Branch.

Mr. Bouldin called up the ordinance entitled "An ordinance explanatory of and supplementary to an ordinance, entitled 'An ordinance to open and condemn Warner street, from Little Camden street (formerly Elbow Lane) to Columbia street,'" No. 82 of ordinances of 1860, approved September 18, 1860, which was read and passed.

Mr. Bolgiano called up the ordinance entitled "An ordinance supplementary to an ordinance, entitled 'An ordinance to regulate the navigation of the Harbor of Baltimore, to appoint Harbor Masters, and to prescribe their duties,'" approved June 11th, 1858, which was read.

On motion of Mr. Bolgiano, the ordinance was referred to the joint standing committee on the Harbor.

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at 5 o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinances and resolution were this day presented to the Mayor:

A supplement to an ordinance entitled, "An ordinance for the measurement of charcoal," approved June 5th, 1858.

An ordinance supplementary to revised ordinance No. 19, approved May 31st, 1858, providing for the appointment of Superintendents of Streets.

An ordinance to repeal supplementary ordinance No. 88, approved 26th September, 1860.

A further supplement to an ordinance entitled, "An ordinance for an increased supply of water from Jones Falls."

An ordinance making appropriations for the year eighteen hundred and sixty-one.

Resolution to place a new pump on Caroline street.

Wednesday, May 8th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Staylor and Phelps.

The following communication was received from the Park Commissioners through the Mayor, the chairman thereof, which was read:

*To the Honorable the First Branch
of the City Council of Baltimore.*

The Park Commission, in reply to the resolution of your Honorable Body in regard to the improvement of the Patterson Park, a copy of which was received on the 4th instant, respectfully state—

That no part of the city's appropriation of \$10,000 has yet been expended here, because it has been impossible, under all circumstances, to prepare the ground for the commencement of operations.

The Commission rely on their landscape gardener, Mr. Daniels, for the plan of improvement; and up to this time, he has been engaged without intermission in completing the survey and location of the Boundary avenue at Druid Hill. To have taken him from this, and sent him to Patterson's Park, would have been to throw out of employment one hundred men, being the regular force of the Commission at Druid Hill.

When your Honorable Body recollects that the Druid Hill and Patterson Park purchases were not perfected until October last, you will understand the necessity under which the Commission felt themselves to concentrate this whole force upon a single object, that the public might have the benefit, at the earliest day, of what was expected when it made the purchases referred to. In making this the Boundary avenue at Druid Hill, they exercised their best judgment, with no purpose of delaying, unnecessarily, the other work. Having done so, Mr. Daniels' services became indispensable, to the extent already mentioned.

When the city appropriated \$10,000 for each of the Parks, in order that daily employment might be given to three hundred persons in a season of great distress, Druid Hill was the only place at which they could be set to work; and, even then, it became necessary to employ another Engineer, as an assistant to Mr. Daniels, to lay out the lake which it was then determined to commence.

At this time, the grades of the streets around Patterson's Park had not been established, nor had the streets around the old Park been closed, so as to authorize the Commission to disregard them in their plan of improvement. Nor have they been closed yet.

The grades have recently been established however, and Mr. Daniels has set his assistant, Mr. Faul, to make the topographical survey preliminary to the plan,—and this work will be pushed with all dispatch.

But the Commission respectfully suggest, that the surrounding streets should be graded, at any rate, before the work within the

Park is commenced. Until the streets are graded, the Park cannot be properly enclosed even, and the enclosure ought to be the first measure of improvement attended to; and again, the streets, in some places, vary so much from the natural surface, that improvement adjacent to them would be money thrown away. The grading of the streets would require an appropriation from the Council, in addition to the ten thousand dollars already appropriated for purposes *within* the Park.

Most of these considerations were presented to the Council in a memorial from the Commission, at the time when \$20,000 ordinance was under discussion.

It is the purpose of the Commission, so soon as the Druid Hill appropriation is expended, to transfer their entire force of three hundred men, with tools, &c., to Patterson's Park, if it is then ready to receive them,—when the Eastern section of the City will have the same advantage which is now derived by the Western, looking to the proximity of the work to the residences of the laborers.

Your Honorable Body will bear in mind the very limited means within the control of the Commission. Had these means been larger, the work done would have been in proportion; but the Commission beg your Honorable Body to believe, that having made the purchase originally in good faith, they intend, in the spirit to improve it, until it shall realise all that was said in regard to it in their original report.

GEO. WM. BROWN, *Chairman.*

Mr. Tegmeyer, from the joint standing committee on Bridges, submitted the following report and resolution, which were read:

The joint standing committee on Bridges, to whom was referred the petition of H. Abbott and others, praying for the rebuilding of the bridge over Harris' Creek, on the line of the Philadelphia, Wilmington & Baltimore Rail Road, recently destroyed, have examined the premises carefully, and have concluded to offer the following resolution:

J. H. TEGMEYER,

OWEN BOULDIN,

JACOB YEISLEY,

First Branch.

WM. DEAN,

ASA HIGGINS,

JOHN W. WILLSON.

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the bridge over Harris' Creek, on the line of the Philadelphia, Wilmington & Baltimore Rail Road be repaired immediately by trestling the same, until other arrangements can be made for the erection of a permanent structure, the work to be done under the direction of the joint standing committee on Bridges, and that the sum of seven hundred and fifty dollars, (\$750) or so much thereof as may be necessary be and the same is hereby appropriated to pay the expense of the same, to be taken out of the \$500,000 appropriated for the defence of the City of Baltimore.

On motion of Mr. Tegmeyer, the resolution was read a second time, by special order, and adopted.

Mr. Bandel offered the following resolution, which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Water Commissioner be and he is hereby directed to repair the pump on the southwest corner of Fayette and Bond streets, also the pump on the southeast corner of Orleans and Bond streets, and also the pump on the corner of Broadway and Fayette streets, the cost of such repairs to be taken out of the appropriation for the repairs of pumps for the year 1861.

Mr. Allen, from the joint standing committee on Highways, submitted the following minority report against the closing of Conway street, which was read:

The undersigned, a minority of the joint standing committee on Highways, to whom was referred petitions and remonstrances referring to the closing of Conway street, between Howard and Eutaw, beg leave to report that after a full and mature consideration of the whole matter, and the various interests involved, have been unable to agree with the majority.

The said closing is opposed by not merely a *majority*, but by *nearly all* property owners on Conway street for its entire length, and by a large class of citizens on adjacent streets, who protest that their property will be seriously injured, and its value depreciated by the said closing. There was before the committee a remonstrance representing over 1600 feet of ground on Conway street, remonstrating against the passage of the ordinance.

The undersigned cannot, therefore, consent by any act of theirs to sanction such a violation and sacrifice of private rights.

They have been unable to see the necessity for closing the street in the face of the above facts.

SOLOMON ALLEN,

First Branch.

JOSEPH ROBB,

Second Branch.

Mr. Blanchard offered the following resolution, which was read and laid on the table.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller pay to the parties heretofore appointed to index the journals of the two Branches, the sum of one hundred dollars on the completion of the work.

Mr. Blanchard offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Auditor of the City, with the concurrence and approbation of the Mayor, adjust, settle and close up without delay, in such manner and on such terms as may be deemed advisable, the unpaid taxes of 1857, 1858 and 1859.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Hay offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to have the gas main laid in Baltimore street, between Calhoun street and Norris alley, and to erect a gas lamp on the corner of Baltimore street and Norris alley; also, to erect a gas lamp on Calhoun street, between Hollins street and Lombard street, the cost of the same to be taken out of the appropriation for lamps and pillars for the year 1861.

On motion of Mr. Hay, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners and Port Wardens be and they are

hereby authorized and directed to expend a portion of the money appropriated at the present annual session for deepening the Back Basin, not exceeding ———— to the building of a wall at the city property opposite the western wall of the Jail, for the purpose of making a place of deposit for earth and material to be removed from the bed of Jones' Falls, above Gay street bridge.

Mr. Nicholas moved to fill up the blank in the resolution with the words "Twenty-five hundred dollars."

Mr. Allen moved to fill up the blank in the resolution with the words "Two thousand dollars."

Mr. Bolgiano moved to lay the resolution on the table, which was determined in the negative.

Mr. Nicholas withdrew his motion, and the motion to fill the blank with the sum of "Two thousand dollars" was adopted.

The question recurring on the adoption of the resolution the same was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Bolgiano:

Yeas—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Brown, Nicholas, Drakeley, Allen, Chase, Dixon, Hay, Tegmeyer, and Crout—16.

Nays—Messrs. Bolgiano and Blanchard—2.

Mr. Bandel called up the ordinance entitled, "An ordinance providing for the appointment of Visitors of the Jail of Baltimore City," which was read.

Mr. Blanchard moved to amend the ordinance by striking out the word "by" in the sixth line thereof, and inserting in lieu thereof the word "as," which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

The Second Branch returned the resolution authorizing the bridge over Harris' Creek, on the line of the Philadelphia, Wilmington, and Baltimore Rail Road, to be repaired immediately, by trestling the same for the present, and appropriating the sum of seven hundred and fifty dollars, or so much thereof as may be necessary for said purpose, the work to be done under

the direction of the joint standing committee on Bridges, and the resolution authorizing the Auditor of the city, with the approbation of the Mayor, to adjust, settle, and close up the unpaid taxes of 1857, 1858, and 1859, severally endorsed "concurrent in."

Mr. Yeisley presented the petition of J. W. Patterson and others, praying for the closing up of the several streets within Patterson's Park enlarged, which was referred to the joint standing committee on Highways.

Mr. Brown gave notice of his intention to ask for leave to introduce an ordinance entitled, "A supplement to an ordinance entitled 'An ordinance for the measurement of charcoal,' approved June 5th, 1858."

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, May 9th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Thomas presented the petition of Joseph J. Taylor for permission to build a shed on the wharf adjoining his warehouse on West Falls avenue, which was referred to the joint standing committee on the Fire Department.

Mr. Bandel moved that the vote by which the resolution, authorizing the City Commissioners and Port Wardens to expend a portion of the money appropriated at the present annual session for deepening the Back Basin, not exceeding two thousand dollars, to the building of a wall at the city property opposite the

western wall of the Jail, for the purpose of making a place of deposit for earth and material to be removed from the bed of Jones' Falls, above Gay street bridge, was adopted, be reconsidered, which was determined in the affirmative.

On motion of Mr. Myers, the resolution was laid on the table.

Mr. Bandel called up the resolution, directing the Water Commissioner to repair the pump on the southwest corner of Fayette and Bond streets, also the pump on the southeast corner of Orleans and Bond streets, and also the pump on the corner of Broadway and Fayette streets, which was read.

Mr. Bandel moved to amend the resolution by striking out the words "Commissioner be and he is," in the second and third lines of the resolution, and inserting in lieu thereof the words "Board be and they are," which was adopted.

Mr. Drakeley moved to further amend the resolution by inserting after the word "streets" in the sixth line of the resolution, the words "also the pump on the south side of Baltimore street, between Eutaw and Paca streets," which was adopted.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Bolgiano called up the resolution, authorizing the Comptroller to have gas mains laid along Caroline street from Chase to Eager streets, along Eden street from Chase to Eager streets, in accordance with the provisions of an ordinance of the Mayor and City Council, "entitled an ordinance to provide for the more general lighting of the thoroughfares of the city with gas light, approved May 3d, 1859," which was read.

Mr. Staylor moved to amend the resolution by inserting after the word "streets" in the fourth line of the resolution the words "and also along Valley street, from Neighbor to Eager streets," which was adopted.

Mr. Brown moved that the resolution be referred to the joint standing committee on Police and Jail, which was determined in the affirmative.

Mr. Brown asked and obtained leave to introduce an ordinance entitled "A supplement to an ordinance entitled, 'An

ordinance for the measurement of charcoal,' approved June 5, 1858," which was read and laid on the table:

Mr. Bouldin presented the petition of C. S. Maltby and others, asking the repeal of the ordinance forbidding the bringing of oysters into the city during the summer months, which was referred to the joint standing committee on Health.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and ordinance, which were read:

The joint standing committee on Highways of the City Council of Baltimore, to whom was referred the petition of Joseph W. and Edward Patterson, praying for the passage of an ordinance to provide for the closing up of certain streets and alleys within the limits of Patterson's Park, as lately extended, having had the same under consideration, respectfully recommend the passage of the following ordinance:

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

An ordinance to close up certain streets and alleys within the limits of Patterson's Park, in the city of Baltimore.

Be it enacted by the Mayor and City Council of Baltimore, That the following streets and alleys lying within Patterson's Park, as lately enlarged, viz: Burke street, between the north side of Gough street and the south side of East Baltimore street; Cannon street, between the north side of Gough street and the south side of Baltimore street; East Lombard, from the east side of Gist street to the west side of Luzerne street; and East Pratt street, between the east side of Gist street and the west side of Luzerne street; and also Bradford alley, between Burke street and Gist street; and Port alley, between Burke street and Cannon street; and Rose alley, between Cannon street and Luzerne street, be and the same are hereby declared to be forever closed up.

On motion of Mr. Nicholas, the ordinance was read a second time, by special order, and passed.

On motion of Mr. Myers, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, May 10th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Phelps and Nicholas.

Mr. Yeisley presented the petition of Robert B. Lamdin, asking permission to erect a frame kitchen on his premises, which was referred to the joint standing committee on the Fire Department.

Mr. Blanchard called up the resolution authorizing the Comptroller to pay to the parties heretofore appointed to index the Journals of the two Branches of the City Council, the sum of one hundred dollars, which was read and adopted.

The Second Branch returned the Ordinance entitled "An ordinance explanatory of and supplementary to an Ordinance entitled 'An Ordinance to open and condemn Warner street, from Little Camden street (formerly Elbow Lane,) to Columbia street, No. 82 of Ordinances of 1860, approved September 18, 1860,'" and the Ordinance entitled "An Ordinance providing for the appointment of Visitors of the Jail of Baltimore City," severally endorsed "passed," and the resolution authorizing and directing the City Commissioners to have the gas main laid in Baltimore street, between Calhoun street and Norris alley, and to erect a gas lamp on the corner of Baltimore street and Norris alley, also, to erect a gas lamp on Calhoun street, between Hollins street and Lombard street, endorsed "concurred in."

On motion of Mr. Crout a message was sent to the Second Branch, proposing with their concurrence, that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

The following message was received from the Second Branch, and read:

IN SECOND BRANCH,
Baltimore, May 10, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition that when the Council adjourns this afternoon, it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Bouldin from the joint standing committee on Highways submitted the following report and an ordinance entitled, "An ordinance to condemn and open Park street, from Richmond street to Biddle street," which were read and laid on the table:

The joint standing committee on Highways to whom was referred the petition of Wm. F. Frick and others, asking for the opening of Park street, from Richmond street until it intersects Grundy street if extended southeasterly, report that they have visited the premises, and have examined all the property to be effected by said opening, and are of the opinion that if said street was opened it would greatly enhance the value of all the property lying northerly between Biddle street and the limits of the City of Baltimore. They therefore beg leave to offer the accompanying ordinance:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

On motion of Mr. Crout the Branch adjourned until Monday afternoon, at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, May 13th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Blanchard presented the remonstrance of Robert S. Hollins, trustee, and others, against the opening of Park street, which was read and laid on the table.

The following communication was received from the Mayor:

MAYOR'S OFFICE, CITY HALL,

Baltimore, May 13, 1861.

To the Honorable, the Members of the

First Branch of the City Council.

GENTLEMEN :—

I have approved of the following ordinances and resolutions emanating from your Branch, viz :

An ordinance to authorize and empower the Clerk of the Court of Common Pleas of Baltimore city to receive and collect a tax of five pounds, Maryland currency, on tavern licenses, and the Jail tax of four dollars on licenses.

An ordinance making appropriations for the year 1861.

A further supplement to an ordinance entitled, "An ordinance for an increased supply of water from Jones' Falls."

A supplement to an ordinance entitled, "An ordinance for the measurement of charcoal," approved June 5th, 1858.

An ordinance to repeal supplementary ordinance No. 58, approved September 25th, 1860.

An ordinance supplementary to revised ordinance No. 19, approved May 31st, 1858, providing for the appointment of Superintendents of Streets.

Resolution to improve the condition of the back basin and Jones' Falls, and the wharves and stone walls binding thereon.

Resolution granting permission to Joseph Brent, to sink a well.

Resolution authorizing the Mayor to have the title of property examined in certain cases.

Resolution authorizing the Board of Public School Commissioners to grant to George J. Schillenberger a portion of the lot attached to Male Primary School No. 20.

Resolution authorizing the Auditor to collect the City taxes for certain years.

Resolution to make certain improvements in Jackson Square.

Resolution in favor of William Peacock, a deaf mute.

Resolution granting permission to Augustus Ballauf, to extend his workshop over the wall of Jones' Falls.

Resolution granting permission to Edward Coleman, to remove a frame shop from Wolf to Baltimore street.

Resolution to repair the pump at the eastern Hay scales on Buren street.

Resolution to pay C. S. Willett one hundred and five dollars for a chilled iron safe.

Resolution permitting F. H. Grupy to use a platform in front of his store.

Resolution to repair a certain pump in Orleans street.

Resolution to repair the bridge over Harris' Creek.

Resolution to place flag stones across Ross street, opposite Biddle Alley.

Resolution granting permission to A. Burdett to erect a frame shed and bath house on his premises.

Resolution granting permission to William Trego to build a wharf at the lower end of Hughes street.

Resolution granting permission to Joshua T. King to erect a frame shed on his premises.

Respectfully,

GEO. WM. BROWN, *Mayor*.

The following communication was received from the Register of the city:

REGISTER'S OFFICE,
Baltimore, May 13th, 1861.

*To the President and Members of the
First Branch of the City Council.*

GENTLEMEN :

The following resolution, adopted by your body on the 6th inst., just received, "Resolved by the First Branch of the City Council, that the City Register be requested to inform this Branch whether the City Passenger Railroad Company have made their report and paid over the amount due the City for the past quarter ending April 28th 1861." And in reply, respectfully inform you that I have not received from said Company any report for April. Further, there is a balance due on the return for January 28th, of \$4,150.43, and also \$254.41 for interest on the term ending October 28, 1860.

Very respectfully,

JNO. A. THOMPSON, *Register.*

Mr. Wolf, from the joint select committee on the accounts of the Commissioners of Public Schools, submitted the following report and resolution, which were read:

The joint select committee to whom was referred the accounts of the Commissioners of Public Schools, report that they have carefully examined said accounts, and find them correct and sustained by proper vouchers. They therefore submit the following resolution for the adoption of the Council :

GEO. W. WOLF,

JESSE HAY,

H. W. DRAKELEY,

First Branch.

FRANCIS W. ALRICKS,

JESSE MARDEN,

JAS. B. GEORGE, Sr.,

Second Branch.

Resolved, That the Committee be discharged from the further consideration of the subject.

On motion of Mr. Wolf, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Nicholas, a message was sent to the Second Branch, proposing, with their concurrence, that when the Council adjourns on Friday next, it stand adjourned until Monday afternoon, the 10th of July proximo.

Mr. Bandel, from the joint standing committee on Police and Jail, submitted the following report and ordinances, severally entitled "An ordinance to provide for the inspection of carbur- etted hydrogen or illuminating gas in the city of Baltimore," and "An ordinance to provide for the inspection and sealing of gas meters in the city of Baltimore," which were read and laid on the table:

The joint standing committee on Police and Jail, to whom were referred ordinances No. 22 and 23, relating to the inspection of Gas and Gas Meters, having carefully considered the subject, respectfully beg leave to report the accompanying ordinances.

GEO. S. BANDEL,
H. H. CHASE,
THOS. J. BROWN.

First Branch.

WM. DEAN,
F. W. ALRICKS,
JESSE MARDEN.

Second Branch

Mr. Staylor gave notice of his intention to ask for leave to introduce an ordinance entitled, "An ordinance authorizing the City Commissioners to have the work of grading the streets adjacent to Patterson's Park done by the day."

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, May 13, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that the two Branches of the City Council visit Druid Hill Park, in accordance with the invitation of the Park Commissioners, on next Monday afternoon, 20th May, at 3 o'clock, if the weather be fair, and if not, then on such day as may be appointed by the Mayor.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Wolf moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and an ordinance entitled, "A supplement to an ordinance entitled, 'An ordinance to widen the north side of Fayette street, between Calvert and Holliday streets,' " which were read and laid on the table:

The joint standing committee on Highways, to whom was referred the petitions of Samson Cariss and others, for the repeal of ordinance No. 116 of ordinance of 1859, entitled an ordinance to widen the north side of Fayette street, between Calvert and Holliday streets, approved September 26th, 1859, beg leave to report that they have examined the subject carefully, and most respectfully submit the accompanying ordinance:

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and resolution, which were read and laid on the table:

The joint standing committee on Health, to whom was referred the petition of C. S. Maltby and others, praying for the passage of an ordinance to permit the introduction of shell oysters into the city at all seasons of the year, have had the same under consideration, and being of opinion that it would not be prudent or safe to the public, to alter the law as now existing on the subject, respectfully report the following resolution and recommend its adoption:

D. E. THOMAS,
H. H. CHASE,

First Branch.

JOHN W. WILLSON,
ASA HIGGINS,
WM. DEAN,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the joint standing committee on Health be and they are hereby discharged from the further consideration of the above mentioned petition.

On motion of Mr. Dixon, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following resolutions were presented to the Mayor on the 11th instant:

Resolution authorizing the Auditor to collect the City taxes for certain years.

Resolution authorizing the Board of Public School Commissioners to grant to Geo. J. Schellenberger a portion of the lot attached to Male and Female Primary School No. 20.

Resolution authorizing the Mayor to have the title to property examined in certain cases.

Resolution to make certain improvements in Jackson Square.

Resolution in favor of William Peacock, a deaf mute.

Resolution granting permission to Augustus Ballauf to extend his workshop over the wall of Jones' Falls.

Resolution to repair the pump at the Eastern Hay Scales on Buren street.

Resolution permitting Edward Coleman to remove a frame shop from Wolf to Baltimore street.

Resolution to pay C. S. Willett one hundred and five dollars for a chilled iron safe.

Resolution permitting F. H. Grupy to use a platform in front of his store.

Resolution to repair a certain pump on Orleans street.

Resolution granting permission to Joseph Brent to sink a well and erect a pump in front of his premises.

Resolution granting permission to A. Burdett to erect a frame shed and bath house on his premises.

Resolution granting permission to William Trego to build a wharf at the lower end of Hughes street.

Resolution granting permission to Joshua T. King to erect a frame shed on his premises.

Resolution to place flag stones across Ross street, opposite Biddle alley.

Resolution to repair the bridge over Harris' Creek.

Tuesday, May 14th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Chase.

Mr. Bandel presented the petition of H. F. Bollman, asking compensation for a horse killed on Pratt street on the 19th ult., which was referred to the joint standing committee on Claims.

The Second Branch returned the resolution directing the Water Board to repair the pumps on the south-west corner of Fayette and Bond streets, on the south-east corner of Orleans and Bond streets, on the corner of Broadway and Fayette streets, and on the south side of Baltimore street, between Eutaw and Paca streets, the resolution authorizing the Comptroller to pay to the parties heretofore appointed to index the Journals of the two Branches the sum of one hundred dollars on the completion of the work, and the resolution discharging the joint select committee on the Accounts of the Commissioners of Public Schools.

from the further consideration of the subject—severally endorsed “concurring in,” and the ordinance entitled, “An ordinance to close up certain streets and alleys within the limits of Patterson’s Park in the City of Baltimore,” endorsed “passed.”

A resolution directing the City Commissioners to remove the earth which may be required to fill up any portion of Webster street, in regulating the grade thereof, from the ground which fronts on Fort avenue and owned by the city, so as to grade lots of a depth of one hundred feet, was received from the Second Branch and read.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and concurred in.

The following message was received from the Second Branch :

IN SECOND BRANCH,

Baltimore, May 14th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have non-concurred in your proposition that when the Council adjourns on Friday afternoon it stand adjourned until Monday afternoon, July 10th.

We propose, with your concurrence, the appointment of a joint select committee to designate the time of the adjournment of the Council.

By order,

ALLEN E. FORRESTER, *Clerk*.

Mr. Nicholas moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

The President appointed as the committee on the part of this Branch, Messrs. Nicholas, Crout and Tegmeyer.

Mr. Staylor asked and obtained leave to introduce an ordinance entitled “An ordinance authorizing the City Commissioners to have the work of grading the streets adjacent to Patterson’s Park done by the day,” which was read.

On motion of Mr. Staylor, the ordinance was read a second time, by special order, and passed.

On motion of Mr. Wolf, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, May 15th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented the petition of Messrs. Swain & Banks, asking for a reduction in the rent of certain property leased by them from the city, which was referred to the joint standing committee on City Property.

Mr. Hay presented the petition of James McCoy, asking compensation for injury done his property by a mob on the night of the 20th ult., which was referred to the joint standing committee on Claims.

The following communication was received from the City Commissioners, and referred to the joint standing committee on City Property:

CITY COMMISSIONER'S OFFICE,

Baltimore, May 14, 1861.

To the Honorable the Members of the

City Council of Baltimore.

GENTLEMEN :—

The City Commissioners would most respectfully call your attention to the condition of the City property on Buren street, in front of the Jail. The City Commissioners are now expending a large appropriation in cleaning out a large amount of sediment, being the accumulation of the washing from the embankment binding on the Falls, in front of said property ; and

experience teaches them, that no sooner than they have removed it, it is liable to be replaced by the next freshet that may arise.

The Commissioners would therefore most respectfully suggest to your Honorable Body the propriety of considering the expediency of building a wall binding on the east side of Jones' Falls, north of Madison street bridge, the extent of the City property—more particularly at this time, as they feel satisfied that the work could be done at 25 per cent. less than usual rates. The wall would be 519 feet in length, (more or less,) and about 18 feet in height, and the Commissioners believe the wall could be built, and the lots properly graded, at a cost not exceeding five thousand dollars (\$5000.) Considering it their duty to submit the above to your honorable consideration, they subscribe themselves

Yours respectfully,

ROBT. S. BEETLEY, *Chairman,*

WM. LEE STILES,

City Commissioners.

Mr. Dixon called up the resolution authorizing the City Block Ferry and Towing Company to use, occupy and enjoy all the water front of the end of West Falls avenue and Great Hughes street, for the purpose of running a Steam Ferry boat, or boats, between the said points, and for the deposit of coal, wood, and other matters pertaining to the objects of the said company, (it being understood that the grant does not interfere with any legal rights of owners of property adjoining said wharves), provided that the company have their boat or boats running between said points by or within nine months after said grant, and provided further that the city receive possession again on one year's notice to that effect by the Mayor, which was read.

Mr. Myers moved to amend the resolution by inserting after the word "Company" in the second line, the words "and all other Ferry boats," which was determined in the negative by the following vote, the yeas and nays being required by Mr. Myers:

Yeas—Messrs. Myers, Thomas, Nicholas, Hay and Crout—5.

Nays—Messrs. President, Yeisley, Wolf, Bandel, Bolgiano, Staylor, Brown, Blanchard, Phelps, Drakeley, Allen, Chase, Dixon and Tegmeyer—14.

Mr. Bolgiano moved to further amend the resolution by inserting after the word "Company" in the sixth line, the words "not exceeding the bulk of fifty cords of wood, and also at a cost of not more than two cents per trip for a single passenger, and ten cents for vehicles per trip, or ten cents for a round trip," which was determined in the affirmative.

Mr. Drakeley moved to further amend the resolution by striking out the word "Company" in the sixth line, and inserting the word "Ferry," which was determined in the affirmative.

On motion of Mr. Crout, the resolution was laid on the table.

Mr. Thomas called up the resolution discharging the joint standing committee on Health from the further consideration of the petition of C. S. Maltby, which was read and adopted.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, May 15, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have appointed Messrs. Miller, Dean and Robb as the committee on the part of this Branch, to designate the time of the adjournment of the City Council.

By order,

ALLEN E. FORRESTER, *Clerk.*

The Second Branch returned the ordinance entitled, "An ordinance authorizing the City Commissioners to have the work of grading the streets adjacent to Patterson's Park done by the day," endorsed "passed."

A report from the joint standing committee on Health, with an ordinance entitled, "An ordinance supplementary to revised ordinance No. 18, entitled 'An ordinance to preserve the health of the City of Baltimore,' approved July 27th, 1858," were received from the Second Branch, read and laid on the table.

Mr. Nicholas called up the ordinance entitled, "An ordinance to close Conway street, between Howard and Eutaw streets," which was read.

Mr. Chase moved that the ordinance be laid on the table, which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Chase:

Yeas—Messrs. Wolf, Myers, Bouldin, Bolgiano, Staylor, Brown, Phelps, Drakeley, Allen, Chase, Dixon, Hay and Crout—13.

Nays—Messrs. President, Yeisley, Thomas, Bandel, Nicholas, Blanchard and Tegmeyer—7.

On motion of Mr. Thomas, the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, May 16th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Nicholas called up the ordinance entitled "An ordinance in relation to the collection of Taxes," which was read.

On motion of Mr. Nicholas, the ordinance was laid on the table.

Mr. Bouldin offered the following resolution which was read:

Resolved, by the First Branch of the City Council of Baltimore, That the City Commissioners furnish this Branch with an estimate of the cost of constructing a sewer, (similar to the one in Shield's Alley,) from the said sewer along the southernmost side of Seltzers property to Pennsylvania Avenue, as early as practicable.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Myers offered the following resolution which was read:

Resolved by the Mayor and City Council of Baltimore, That the sum of thirty dollars, or as much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated for the protection of the trees from bugs and worms in the Eastern Spring lot.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

Mr. Thomas called up the ordinance entitled "An ordinance supplementary to revised ordinance No. 18, entitled 'an ordinance to preserve the health of the City of Baltimore,' approved 27th July, 1858," which was read.

Mr. Nicholas moved to amend the ordinance by striking out the words "receive or permit to be deposited" in the third and fourth lines of the first section, and inserting in lieu thereof the word "deposit," and by inserting in the fifth line of the same section, after the word "premises" the words "or any other premises or lot," which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

Mr. Brown called up the ordinance entitled "A supplement to an ordinance entitled 'an ordinance for the measurement of charcoal,' approved June 5, 1858," which was read and passed.

Mr. Bandel moved that the resolution authorizing the City Block Ferry and Towing Company to use, occupy and enjoy all the water front of the end of West Falls avenue and Great Hughes street, for the purpose of running a Steam Ferry boat or boats between the said points, be printed on the Journal in full, as the same has been amended, or proposed to be amended, which was determined in the affirmative.

The following is the resolution so ordered to be printed on the Journal:

Resolved by the Mayor and City Council of Baltimore, That the City Block Ferry and Towing Company be, and they are hereby authorized to use, occupy and enjoy all the water front of the end of West Falls avenue and Great Hughes street for the

purpose of running a Steam Ferry boat, or boats, between the said points, and for the deposit of coal, wood, and other matters pertaining to the objects of the said Ferry, not exceeding the bulk of fifty cords of wood, and also at a cost of not more than two cents per trip for a single passenger, and ten cents for vehicles per trip, or ten cents for a round trip (it being understood that the grant does not interfere with any legal rights of owners of property adjoining said wharves); provided that the company have their boat or boats running between said points by or within nine months after said grant, and provided further that the city receive possession again on one year's notice to that effect by the Mayor.

Mr. Bouldin offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the Commissioners for Opening of Streets furnish this Branch with the amount of the damages and expenses incurred in the opening of John street, between Harford Avenue and Eden street, and in what state the proceedings, in opening and condemning the same, are at the present time, agreeably to ordinance No. 57, approved July 17th, 1860.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and an ordinance entitled, "An ordinance to encourage and foster the introduction and permanence of steam communication between the wharf at the foot of Broadway and the wharf at Hawber street, Locust Point, which were read and laid on the table:

The joint standing committee on Highways, to whom was referred the petition of Haslett, McKim, and others, asking aid from the Mayor and City Council, to secure a permanent Ferry, communicating from the foot of Broadway, Fells Point, with the foot of Hawber street, Locust Point, beg leave to report that they have given the matter that consideration, which so important an object demands; and believing that the prayer of the petitioners is just and right, they offer the accompanying ordinance.

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Mr. Nicholas called up the ordinance entitled, "An ordinance to close Conway street, between Howard and Eutaw streets," which was read.

Mr. Chase moved to amend the ordinance by adding to the first section thereof the words, "Whenever the property holders owning a majority of front feet, between Light street and Fremont street, apply in writing to the City Council for the closing of said street."

Pending the proposed amendment, Mr. Crout moved that the ordinance be laid on the table and made the order of the day for to-morrow, which was determined in the negative.

The question recurring on the amendment proposed by Mr. Chase, the same was determined in the negative by the following vote, the yeas and nays being required by Mr. Chase:

Yeas—Messrs. Staylor, Allen, Chase and Dixon—4.

Nays—Messrs. President, Yeisley, Wolf, Myers, Thomas, Bandel, Bolgiano, Brown, Nicholas, Phelps, Drakeley, Hay, Tegmeyer and Crout—14.

Mr. Myers moved to amend the ordinance by adding the following additional sections, to be styled section 3 and 4 respectively, which was determined in the affirmative:

Sec. 3. And be it enacted and ordained, That the Baltimore and Ohio Railroad Company be and they are hereby required to place their wall or fence on the building line of the East side of Eutaw and the West side of Howard streets, and large double gates on the centre of Conway street on said walls or fences; said gates to remain open for ingress and egress, from sunrise to sunset through the year, except during the passage of passenger trains, and the stoppage thereof, across said street.

Sec. 4. And be it enacted and ordained, That the Baltimore and Ohio Railroad Company shall protect the Mayor and City Council of Baltimore from all damages in law or otherwise that may originate from any claim for the grant by this ordinance to the Baltimore and Ohio Railroad Company, for the closing of said Conway street.

The question recurring on the passage of the ordinance as amended, the same was passed.

On motion of Mr. Bandel, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinances and resolutions were this day presented to the Mayor :

An ordinance providing for the appointment of Visitors of the Jail of Baltimore City.

An ordinance authorizing the City Commissioners to have the work of grading the streets adjacent to Patterson's Park done by the day.

Resolution to improve Union Square.

Resolution to place gas mains and gas lamps on certain streets.

Resolution permitting F. H. Grupy to erect a steam engine on his premises.

Resolution permitting Bernhard Clark to erect a platform on his building.

Resolution to repair the drawbridge over Jones' Falls.

Resolution permitting Thomas J. Cochran & Co. to reconstruct a frame ice house.

Resolution granting permission to John L. Crise to erect a bay window on his building.

Resolution permitting John G. McCullough to erect a steam engine on his premises.

Resolution to erect large iron fire plugs at certain places.

Resolution to place flag stones across certain streets.

Resolution to index the Journals of the City Council.

Resolution for repairs to town clocks on Engine houses Nos. 6 and 7.

Resolution to place a gas main and gas lamps on certain streets.

Resolution relative to the repairing of Eastern avenue.

Resolution permitting John W. Maxwell & Son to erect a verandah on their building.

Resolution to remove the dirt from the bed of Hamburg and Third streets.

Resolution permitting Christian Leutbecker to retain in use a frame shed.

Resolution to place gas lamps on Eager and Calvert streets.

Resolution to have gas mains laid on Calvert street.

Resolution to improve the Centre Fish Market and the Hollins Street Fish Market.

Friday, May 17th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Brown presented the petition of Mary Ann O'Laughlin, asking to have the fountain on Calvert street, near Franklin street, so arranged as to allow the water to fall into the gutter, which was referred to the joint standing committee on Water.

Mr. Blanchard offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That permission be and it is hereby granted to Mrs. Isabella Brown and Mr. George S. Brown to erect a frame building to be used as a soup house, on the rear of the vacant lot between their dwellings on Cathedral Street; provided, that the same shall

be removed within three months after notice to that effect from the Mayor.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Bandel called up the ordinance entitled, "An ordinance to provide for the inspection and sealing of gas meters in the city of Baltimore," which was read.

Mr. Bandel moved to amend the ordinance by striking out the words "on the first day of March," in the fourth line of the first section, and inserting in lieu thereof the words "in the month of February," which was determined in the affirmative.

Mr. Nicholas moved to further amend the ordinance by inserting after the word "purchase," in the third line of the third section, the words "for the use of the city," which was determined in the affirmative.

Mr. Bandel moved to fill the blank in the seventh line of the third section with the words "one hundred and fifty," which was determined in the affirmative.

Mr. Brown moved to further amend the ordinance by inserting after the word "Mayor," in the twenty-sixth and thirty-first lines respectively of the fourth section, the words "gas company, person or persons," which was determined in the negative.

Mr. Blanchard moved to further amend the ordinance by striking out all in the fourth section after the word "Mayor" in the twenty-sixth line thereof, which was determined in the negative.

Mr. Blanchard moved to further amend the ordinance by striking out the words "person or persons" in the fourth, twelfth, fourteenth, seventeenth, and twenty-fourth and twenty-fifth lines of the fifth section, which was determined in the affirmative.

Mr. Allen moved to further amend the ordinance by striking out the fifth section, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Bolgiano:

Yeas—Messrs. Bolgiano, Allen and Chase—3.

Nays—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Staylor, Brown, Nicholas, Blanchard, Phelps, Drakeley, Dixon, Hay, Tegmeyer and Crout—17.

Mr. Bandel moved to further amend the ordinance by inserting after the word “persons” in the second and sixth lines respectively of the sixth section, the words “engaged in the manufacture of gas,” which was determined in the affirmative.

Mr. Brown moved to further amend the ordinance by striking out the seventh section, which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by inserting the following section, to be styled Section 7, which was determined in the affirmative:

Sec. 7. And be it enacted and ordained, That no meter shall be set after the first day of July, eighteen hundred and sixty-one, unless it be sealed and stamped in the manner required by this ordinance.

Mr. Bandel moved to further amend the ordinance by striking out all after the word “aforesaid” in the seventh line of the ninth section, to the word “adjusted” inclusive in the eighth line of the same section, which was determined in the affirmative.

Mr. Drakeley moved to further amend the ordinance by striking out all after the word “Council” in the eleventh line of the ninth section, to the word “ordinance” inclusive, in the fifteenth line of the same section, which was determined in the negative.

Mr. Bandel moved to further amend the ordinance by striking out all in the tenth section after the word “dollars” in the seventh line thereof, which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

The Second Branch returned the ordinance entitled, “An ordinance to close Conway street, between Howard and Eutaw streets,” and the ordinance entitled, “A supplement to an ordinance entitled, ‘An ordinance for the measurement of charcoal,’ approved June 5, 1858,” severally endorsed “passed.”

The Second Branch returned the resolution discharging the joint standing committee on Health from the further consideration of the petition of C. S. Maltby and others, and the resolu-

tion granting permission to Mrs. Isabella Brown and George S. Brown to construct a frame building, to be used as a soup house, on the rear of the lot between their dwellings on Cathedral street, severally endorsed "concurred in."

A report from the joint standing committee on the Fire Department, with a resolution granting permission to Robert B. Lamdin to erect a frame kitchen on the rear of his premises, on the north side of East Baltimore street, west of Wolf street, were received from the Second Branch and read.

On motion of Mr. Hay, the resolution was read a second time, by special order, and concured in.

A report from the joint select committee to designate the time of adjournment of the City Council, with a resolution providing that when the Council adjourns on Wednesday next, they stand adjourned until the tenth day of July next, at 5 o'clock, P. M., were received from the Second Branch and read.

On motion of Mr. Nicholas, the resolution was read a second time, by special order.

Mr. Staylor moved to amend the resolution by striking out the word "Wednesday" in the second line, and inserting in lieu thereof the word "Friday," which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Myers:

Yeas—Messrs. President, Wolf, Bouldin, Thomas, Bolgiano, Staylor, Drakeley, Allen, Dixon, Hay, Tegmeyer and Crout—12.

Nays—Messrs. Yeisley, Myers, Bandel, Brown, Nicholas, Blanchard, Phelps and Chase—8.

The question recurring on concurring in the resolution, as amended, it was determined in the affirmative.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, May 17th, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when

the Council adjourns this afternoon it stand adjourned until Monday afternoon at five o'clock.

By order,

ALLEN E. FORRESTER, *Clerk*.

On motion of Mr. Yeisley, the proposition contained in the message was concurred in.

Mr. Dixon called up the resolution authorizing the City Block Ferry and Towing Company to use, occupy and enjoy all the water front at the end of West Falls Avenue and Great Hughes street, for the purpose of running a Steam Ferry boat or boats between the said points, which was read.

Mr. Drakeley moved that the vote by which the following amendment was adopted, to wit: to insert after the word "company," in the sixth line, the words "not exceeding the bulk of fifty cords of wood, and also at a cost of not more than two cents per trip for a single passenger, and ten cents for vehicles per trip, or ten cents for a round trip," be reconsidered, which was determined in the affirmative.

The question recurring on the adoption of the amendment,

Mr. Drakeley moved to amend the amendment by striking out all after the word "and," in the first line of the amendment, to the word "trip" inclusive, at the end of the third line of the same, and inserting the following:

"Said company is hereby further authorized to charge at the following rates:—Foot passengers, 2 cents each; tickets, 50 for 75 cents; horse and rider, or led horse, 5 cents; one horse cart or dray, with driver, loaded, 6 cents; one horse cart or dray, with driver, light, 4 cents; two horse cart or dray, with driver, loaded, 10 cents; two horse cart or dray, with driver, light, 6 cents; extra horse to loaded or light wagon, 3 cents; two horse wagon, loaded, 10 cents; two horse wagon, light, 6 cents; four horse wagon, loaded, 15 cents; four horse wagon, light, 10 cents; one buggy, gig or wagon, 6 cents; two horse carriage or omnibus, 10 cents," which was determined in the affirmative.

The question recurring on the adoption of the amendment, as amended, it was determined in the affirmative.

Mr. Chase offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the City Commissioners be and they are hereby requested to state for the information of this Branch, the number of persons who have been or are now employed by them in pursuance of the resolutions relating to the improvement of Jones' Falls, and the opening of Webster street, and also how many of such persons have been employed upon the recommendation of the Board of Labor Commissioners, as required by said resolutions.

On motion of Mr. Chase the resolution was read a second time, by special order, and adopted.

Mr. Nicholas called up the ordinance entitled "An ordinance in relation to the collection of Taxes," which was read.

Mr. Nicholas moved to amend the ordinance by striking out the word "January" in the thirteenth line of the second section and inserting in lieu thereof the word "February" which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

Mr. Bolgiano called up the ordinance entitled "An ordinance for the appointment of Reviewers of Flour," which was read:

Mr. Bolgiano moved to amend the ordinance by striking out all in the first section after the word "and" in the thirty-third line thereof, which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by striking out the word "year" in the last line of the second section and inserting in lieu thereof the word "section" which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

Mr. Bouldin called up the ordinance entitled "A supplement to an ordinance entitled 'An ordinance to widen the north side of Fayette street, between Calvert and Holliday streets,'" which was read.

Mr. Yeisley moved to amend the ordinance by inserting after the word "enacted" in the first line of the first section, the

words "and ordained," which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

On motion of Mr. Bolgiano the Branch adjourned until Monday afternoon, at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*

Monday, May 20th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Brown presented the petition of the Board of Managers of the Children's Aid Society, asking an appropriation of five hundred dollars in behalf of the Society, and a remission of the City taxes on the house rented by them, which was referred to the joint standing committee on Ways and Means.

Mr. Brown presented the petition of Henry Winternight, asking the passage of an ordinance requiring the City Passenger Railway Association so to run their cars as not to interrupt the business of persons engaged in manufacturing on the lines of the streets in which the tracks of said Railway Association are laid, which was referred to the joint standing committee on Highways.

Mr. Nicholas presented the remonstrance of Robert S. Hollins, trustee, and others, against opening Park street, which was read and laid on the table.

Mr. Tegmeyer presented the petition of Messrs. Dinsmore and Kyle, and others, asking the repeal of the prohibitory ordinance

relative to the bringing of oysters into the city during a certain period of the year, which was referred to the joint standing committee on Health.

Mr. Bouldin presented the memorial of George R. Cinnamond and Robert D. Morrison, agents for the petitioners asking for the opening of Park street, in answer to the remonstrance of Robert S. Hollins, trustee, and others, against opening Park street, which was read and laid on the table.

Mr. Chase presented the petition of Conrad Schumaker, asking compensation for the loss of certain property on the 21st of April last, which was referred to the joint standing committee on Claims.

Mr. Crout offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Water Board be and they are hereby authorized to have the pump on the corner of Pennsylvania Avenue and Union street put in repair.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

Mr. Allen presented the following communication:

Baltimore, May 20th, 1861.

To the Honorable the Mayor and City Council of Baltimore:

GENTLEMEN:

For reasons strictly personal we hereby tender you our resignations as Committee Men for the 15th and 16th ward, for the recommending of men for work on the Parks, Jones' Falls, and Webster street.

Your obedient servants,

WM. F. BURNS of 15th ward,

ALEX. RUSSELL of 16th ward.

On motion of Mr. Allen, the resignation was accepted.

A report from the joint standing committee on the Fire Department, with a resolution granting permission to Joseph J. Taylor to erect a shed eight feet by sixteen, on his vacant lot adjoining his warehouse on the west side of West Falls avenue,

the same to be removed after six months' notice to that effect shall have been given by the Mayor and City Council, were received from the Second Branch and read.

On motion of Mr. Staylor, the resolution was read a second time, by special order.

Mr. Crout moved to amend the resolution by striking out the words "and City Council" in the last line, which was determined in the affirmative.

The question recurring on concurring in the resolution as amended, it was determined in the affirmative.

Mr. Chase, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read:

The joint standing committee on Police and Jail, to whom was referred the petition of H. Gail & Ax, for gas lamps on Barre street between Charles and Light streets, beg leave to submit the following resolution:

H. H. CHASE,
THOS. J. BROWN,
First Branch.

WM. DEAN,
JESSE MARDEN,
F. W. ALRICKS,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized to have gas mains laid in Barre street between Charles and Light streets, and gas lamps erected in place of the present oil lamps, the expense of the gas lamps to be taken out of the appropriation for gas lamps for 1861.

On motion of Mr. Chase, the resolution was read a second time, by special order, and adopted.

The following communication was received from the City Commissioners:

CITY COMMISSIONERS' OFFICE,

*Baltimore, May 20, 1861.**To the Honorable the Members of the City Council:*

In answer to your inquiry of the 17th, of the number of men that are employed upon the work of Jones' Falls and Webster street, we would most respectfully reply, that we had employed last week 190 men on Jones' Falls, 67 horses and carts and drivers, 50 men on Webster street, 6 horses and carts and drivers.

The men that brought tickets from Mr. Geo. J. Zimmerman were put to work, amounting we think to some eighteen or twenty, and the rest were given work upon the recommendation of the different members of the City Council, Ward Managers and large tax payers.

Yours respectfully,

ROBERT S. BEETLEY,

Chairman City Commissioners.

The following communication was received from the Board of City Commissioners and Port Wardens, and referred to the joint standing committee on the Harbor:

CITY COMMISSIONERS AND PORT WARDENS' OFFICE,

*Baltimore, May 20, 1861.**To the Honorable the Members**of the City Council of Baltimore:*

GENTLEMEN :—

We would most respectfully call your attention to the unsafe condition of the east side of the wharf binding on the City Yard, which is now being filled up with sediment. It is entirely too weak in its construction to resist the pressure of the sediment which it will be necessary to contain, in order to fill it up to the grade originally intended; and we would urge upon you the importance of making some arrangements whereby it might be made secure. We would take the liberty here of saying—that as the city has a water front at this place of about six hundred feet, we believe that it would be very advisable to extend the line of wharf, as it would afford a large receptacle for depositing the sediment taken from the harbor, and the difference in the length of the tow would no doubt pay for the cost of building the addition to the wharf; while, on the other hand, the prop-

erty would be of great value to the city, owing to its eligible and convenient locality in the harbor.

We would also most respectfully call your attention to the disadvantages we labor under for the want of at least two box scows with boxes; we have at present but two of these scows, whereas if we had two more, we could do just as much more work as we now do each day, with the same discharging machine.

We therefore believe that it would be greatly to the city's interest to appropriate about fifteen hundred dollars for the construction of two box scows and boxes, which we believe might be sufficient under the pressure of the times, to build them in the city yard, under the superintendence of the Port Warden. Although the last proposal made to the city (by Mr. Sanders) for building two such scows and boxes was eleven hundred and fifty dollars each, hence there would be a saving in the construction of eight hundred dollars.

Hoping this report will meet with your favorable consideration,

We remain truly yours,

ROBERT S. BEETLEY,

Chairman Port Wardens and City Commissioners.

On motion of Mr. Myers, a message was sent to the Second Branch, proposing, with their concurrence, that the two Branches of the City Council visit the Marine Hospital, Herring Bar and the City Property on Wednesday next, at eleven o'clock A. M.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, May 20th, 1861.

To the Honorable the Members of the

First and Second Branches of the City Council:

GENTLEMEN :

The Park Commissioners respectfully suggest Wednesday, the 29th inst., for your visit to the Park, in the hope that by that time the weather will be agreeable, and the Park in such a condition as to give you a proper idea of the contemplated improvements. The city railroad cars will be in waiting opposite the

Mayor's office at 2½ P. M., on the day named, if it shall suit your convenience,

Very respectfully your obedient servant,

GEO. WM. BROWN.

On motion of Mr. Hay, the invitation was accepted.

Mr. Nicholas called up the resolution authorizing the City Commissioners and Port Wardens to expend a portion of the money appropriated at the present annual session for deepening the Back Basin, not exceeding _____ in the building of a wall at the city property opposite the western wall of the jail, for the purpose of making a place of deposit for earth and material to be removed from the bed of Jones' Falls, above Gay Street Bridge, which was referred to the joint standing committee on City Property.

Mr. Bolgiano offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized to repair and put in good condition the Point Lane, from Gay street to Harford avenue, and from Harford avenue to the York road, and the sum of three hundred dollars or so much thereof as may be necessary be and the same is hereby appropriated for the completion of the work, the same to be taken out of the levy for Highways and Bridges outside of direct taxation for 1861.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order, and adopted.

Mr. Nicholas called up the resolution authorizing the Comptroller to purchase a suitable iron safe for the custody of the Record Books in the City Collector's office, at a cost not exceeding five hundred dollars.

On motion of Mr. Nicholas, the further consideration of the resolution was indefinitely postponed.

Mr. Bandel called up the resolution authorizing the City Commissioners to have the enclosure known as La Fayette Square properly graded, avenues and walks laid off, and the necessary trees and shrubbery planted in the same, and to draw upon the Comptroller for the sum of six hundred and fifty dollars or so much thereof as may be necessary to pay for the same.

On motion of Mr. Bandel, the further consideration of the resolution was indefinitely postponed.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution which were read :

The joint standing committee on Highways, to whom was referred the petition of Nicholas Popplein and others, relative to the opening of Grindall street, asking that the same may be repealed, beg leave to report that they have visited the premises and are of the opinion it would not be proper for the City Council to interfere with the said ordinance, and would therefore ask to be discharged from the further consideration of the subject. They beg leave to offer the following resolution :

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin called up the resolution requiring the Commissioner of Health and City Physician to hand over the unpaid accounts of the Marine Hospital to the Comptroller for thorough examination, and authorizing the payment of the same if correct, which was read.

On motion of Mr. Bolgiano, the resolution was adopted.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, May 20, 1861.

Gentlemen of the First Branch :

We respectfully inform you that we have concurred in your proposition that the two Branches of the City Council visit the

Marine Hospital and City Property on Wednesday morning at eleven o'clock.

By order,

ALLEN E. FORRESTER, *Clerk*.

The Second Branch returned the ordinance entitled, "An ordinance to provide for the inspection and sealing of gas meters in the City of Baltimore," endorsed "passed."

On motion of Mr. Allen, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*.

Tuesday, May 21st, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented the petition of William Wilson, asking permission to extend the pier, opposite No. 132 Light Street Wharf, which was referred to the joint standing committee on the Harbor.

Mr. Myers presented the resignation of Richard Fonder, from the Sixth Ward, as one of the Board of Labor Commissioners, which was accepted.

Mr. Myers moved the appointment of William Colton in the place of Richard Fonder resigned, which was determined in the affirmative.

Mr. Staylor presented the resignation of Jacob Green, from the Eighth Ward, as one of the Board of Labor Commissioners, which was accepted.

Mr. Staylor moved the appointment of John B. Connolly in the place of Jacob Green resigned, which was determined in the affirmative.

Mr. Crout presented the resignation of Valentine Foreman, from the Twentieth Ward, as one of the Board of Labor Commissioners, which was accepted.

Mr. Allen moved the appointment of George Berry, of the Fifteenth Ward, as one of the Board of Labor Commissioners, in the place of William F. Burns resigned, which was determined in the affirmative.

Mr. Chase moved the appointment of William E. Whitson, of the Sixteenth Ward, as one of the Board of Labor Commissioners, in the place of Alexander Russell resigned, which was determined in the affirmative.

Mr. Hay presented the petition of C. B. Phillipps and others, asking for the opening of Park street, so as to communicate with Grundy street, which was read and laid on the table.

Mr. Blanchard, from the joint select committee on the City Passenger Railway, submitted the following report and an ordinance entitled, "An ordinance entitled, 'A supplement to an ordinance empowering William H. Travers and others to construct a Passenger Railroad on Baltimore street and other streets,' " which were read and laid on the table:

The joint select committee on the City Passenger Railway, to whom was referred so much of the Mayor's Message as relates to running the cars on Sunday, respectively submit their report. Numerous petitions, some adverse, others favorable to granting the permission to the Railway Company, have from time to time been referred to the committee, and the objections of the petitioners have received a careful consideration. Every innovation on the long established habits of a community is naturally and properly regarded with suspicion. Especially is this the case, when it is feared by many, that the change proposed may interfere with the proper religious observance of Sunday, as well as the peace and good order which now prevail in our city on that day.

What should be the proper religious observance of the day is not a subject for legislation, which attempts no more than to secure quiet and a general cessation of business, leaving to each man to observe Sunday as his own conscience may determine. There are, no doubt, those who consider any recreation, how-

ever quiet, innocent and healthful, a violation of the due observance of Sunday, and who insist on the utmost rigidity of religious observance, as well as the strictest construction of laws intended to secure a quiet observance of a day of rest.

But it is familiar to all, that it is the common habit of our people, during spring, summer and early autumn, to pass Sunday afternoons in the open air. This is not the result of indifference to a due performance of the religious duties of the day, but of the recognized necessity for rest and refreshment on the part of a very large class of our population. The majority of our citizens are for six days of the week, occupied by unremitting labor, and it is only on Sunday that the absence of their ordinary occupations permits them to escape from the impure air and stifling heat of the city. Those who regard both the physical well-being and the moral improvement of our population, recognize this escape to country air on Sunday afternoons, as most innocent and beneficial. The diseases prevalent in summer, especially among children, the result of extreme heat and vitiated air, are necessarily most fatal in the narrow alleys and among the confined dwellings of the poor. The most effectual remedy for such disease, removal to a purer atmosphere, is accessible to a small minority of the people, and cities can in no way lessen the evil and afford the remedy, save by the establishment of parks and public squares.

Until last year no adequate provision to supply this need, had been made by the city of Baltimore, but we have now a Park unsurpassed in natural advantages by any similar place of resort in this country. Its remoteness from that class of the population which should be chiefly considered in the establishment of a Park, and to which, in a sanitary point of view, a Park is most important and most valuable, seems the chief objection to the location. Some provision has been made for those sections of the city, most remote from Druid Hill Park, by the purchase of smaller parks and public squares, but years must elapse before the slow growth of trees will afford that protection from the sun so necessary in this climate, in places set apart for public recreation.

To reach Druid Hill Park on foot requires a walk of from two to three miles for the vast majority of the mechanics and laboring class. In hot weather the distance places the Park completely out of reach of *families*. Individuals, undoubtedly, can and will walk there from the remote parts of the city, but for women and children, for the sick or the feeble, some mode of conveyance must be provided, or the Park is effectually closed to them on the only day of leisure at their disposal.

The objection is made by some, that great disorders may result from assembling large numbers in the Park on Sunday.

Such has not been the experience of the authorities of New York city. Indeed there a cheap and innocent excursion has taken the place of lounging in the city, to the great injury of the clandestine trade of the liquor shops. There are few who will advocate closing the Park on Sunday. It will be a place of resort on that day, and it is difficult to understand how affording facilities of access for women and children, and enabling men to carry their families with them, can do otherwise than check disorder.

In order to interfere as little as possible with the religious services of the day, as well as to afford rest to the employees and stock of the Rail Road Company, we do not recommend that the cars should be allowed to commence their trips before one o'clock, P. M.

In submitting the accompany ordinance, we believe that we are recommending what will tend to give health and enjoyment to our whole population, and that the experience of its benefits will remove the objections of the most decided enemies of the measure. If after a fair trial, it should appear that disorders resulted, that the peace of the city was disturbed by running the cars to the Park on Sunday; the permission can be withdrawn and the ordinance repealed.

E. WYATT BLANCHARD,

JACOB MYERS,

J. H. TEGMEYER,

First Branch.

WM. DEAN,

JOSEPH ROBB,

Second Branch.

Mr. Nicholas offered the following preamble and resolution, which was read and laid on the table:

Whereas, by ordinance No. 45, approved July 2d, 1860, entitled "An ordinance supplementary to an ordinance providing for the keeping of the Court House, Record Office, and adjacent public apartments and grounds, approved May 31st, 1858," it was enacted and ordained by the Mayor and City Council of Baltimore, That the salary of the Janitor of the Orphans' Court should be two hundred dollars per annum, payable monthly.

And whereas, by the General Appropriation Bill, lately passed by the Mayor and City Council of Baltimore, for the year

eighteen hundred and sixty-one, the sum of one hundred dollars only has been allowed to pay the salary of said Janitor,

Therefore, be it resolved by the Mayor and City Council of Baltimore, That the Register of the city be and he is hereby authorised and required to pay, out of any money in the Treasury not otherwise appropriated, to the Janitor of the Orphans' Court of Baltimore city, the sum of one hundred dollars for the year eighteen hundred and sixty-one, in monthly instalments, in addition to the sum of one hundred dollars directed to be paid to him by the General Appropriation Bill, lately passed by the Mayor and City Council of Baltimore for 1861.

Mr. Bandel called up the ordinance entitled, "An ordinance to provide for the inspection of carburetted hydrogen or illuminating gas in the city of Baltimore," which was read.

Mr. Bandel moved to amend the ordinance by striking out the words "on the first day of March" in the third and fourth lines of the first section, and inserting in lieu thereof the words "in the month of February," which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by inserting after the word "to" in the fourth line of the second section, the word "daily," which was determined in the negative.

Mr. Drakeley moved to further amend the ordinance by inserting after the word "inspect," in the fourth line of the second section, the words "daily, Sundays excepted," which was determined in the negative.

Mr. Bandel moved to further amend the ordinance by striking out all after the word "hour" in the thirteenth line of the third section, to the word "precipitate" inclusive in the twenty-fifth line, which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by striking out the word "twelve" in the twenty-sixth line of the third section and inserting in lieu thereof the word "twenty," which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by striking out the fourth section, which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by striking out all after the word "purity" in the fifth line of the fifth

section, to the word "pressure" inclusive in the sixth line, which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by striking out the words "and fourth" in the seventh line of the fifth section, which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by striking out the word "standards" in the seventh line of the fifth section, and inserting in lieu thereof the word "standard," which was determined in the affirmative.

Mr. Blanchard moved to further amend the ordinance by striking out the word "sections" in the seventh line of the fifth section, and inserting in lieu thereof the word "section," which was determined in the affirmative.

Mr. Yeisley moved to further amend the ordinance by striking out the words "ought to be and" in the eighth line of the fifth section, which was determined in the affirmative.

Mr. Bandel moved to fill the blank in the eleventh line of the fifth section with the words "one hundred."

Mr. Drakeley moved to fill the blank with the words "five hundred."

The question being taken on Mr. Drakeley's motion it was determined in the negative.

The question recurring on Mr. Bandel's motion it was determined in the affirmative.

Mr. Blanchard moved to further amend the ordinance by striking out all after the word "shall" in the tenth line of the fifth section, to the word "offence" inclusive in the eleventh line, which was determined in the affirmative.

Mr. Blanchard moved to further amend by inserting after the word "Peace" in the twelfth line of the fifth section, the words "for the use of the City," which was determined in the affirmative.

Mr. Blanchard moved to further amend the ordinance by striking out all after the word "Peace" in the twelfth line of the fifth section to the first word inclusive in the fourteenth line, which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by striking out the words "demand may be made" in the fourteenth and fifteenth lines of the fifth section, and inserting in lieu thereof the words "such violation shall continue," which was determined in the affirmative.

Mr. Bandel moved to further amend the ordinance by inserting after the word "purchase" in the second line of the sixth section, the words "for the use of the city," which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by striking out the word "eight" in the second line of the seventh section, which was determined in the affirmative.

Mr. Bandel moved to fill the blank thus created with the word "five."

Mr. Blanchard moved to fill the blank with the word "three."

Mr. Bolgiano moved to fill the blank with the word "four."

The question being taken on the motion of Mr. Bandel to fill the blank with the word "five," it was determined in the negative.

The question being taken on the motion of Mr. Bolgiano to fill the blank with the word "four," it was determined in the negative.

The question being taken on the motion of Mr. Blanchard to fill the blank with the word "three," it was determined in the affirmative.

Mr. Staylor moved to further amend the ordinance by inserting after the word "hundred" in the third line, of the seventh section the words "and sixty-five," which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended the same was passed.

The Second Branch returned the ordinance entitled "An ordinance for the appointment of Reviewers of flour" and the ordinance entitled "An ordinance in relation to the collection of taxes," severally endorsed, "passed."

Mr. Blanchard offered the following resolution which was read and laid on the table:

Resolved by the Mayor and City Council of Baltimore, That the Harbor Master of the Fifth District be and he is hereby authorized to make, with the approbation of the City Comptroller, such a settlement as may be equitable in reference to wharfage now due, or hereafter to become due, on Lumber landed in said District.

On motion of Mr. Bouldin the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, May 22d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented the petition of William Gray, asking permission to erect a wooden shed on a lot situated in the rear of the east side of Broadway, and between Eastern avenue and Bank street, which was referred to the joint standing committee on the Fire Department.

Mr. Blanchard presented the petition of F. B. Loney & Co., asking compensation for certain rifles delivered to a mob, under apprehension of a forcible seizure, on Sunday the 21st of April last, which was referred to the joint standing committee on Claims.

The President presented a petition from the Managers of the Association for Improving the Condition of the Poor, asking an appropriation for the relief of the helpless poor, which was referred to the joint standing committee on Ways and Means.

Mr. Chase presented a communication from William E. Whitson, of the Sixteenth Ward, in which he declined the appointment as one of the Board of Labor Commissioners.

On motion of Mr. Bouldin, the communication was laid on the table.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of Theodore Mottu and others, asking that the sewer running from Pennsylvania avenue, westwardly to Shield alley, may be enlarged and widened, have had the same under consideration, and after a visit to and personal inspection of the premises, are satisfied that the work is necessary to be done, and that without delay, as the heavy rains of the coming season will greatly damage the contiguous property, unless the only remedy, an enlargement of the sewer, is promptly made. With these views, your committee respectfully submit the following resolution:

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Mayor, Comptroller and Register, or a majority of them be and they are hereby authorized and directed to enter into negotiation with Samuel J. Pentz and others, and William Ortwine, owners of ground, lying between Pennsylvania avenue and Shield alley, with a view to purchasing from said parties for cash, or on such terms as they may approve, a strip of land, not less than ten feet wide, between the points named, for the purpose of enlarging and widening the sewer now running from Pennsylvania avenue, westwardly to Shield alley; and, if in their judgment, they can obtain the said strip of land at a fair and reasonable price, that they be authorized to purchase the same in the name of the Mayor and City Council, and to draw upon the Comptroller for the sum necessary for such purchase, the amount

to be provided for in the annual levy for 1862; and, on the completion of the purchase, the Board of City Commissioners be and they are hereby authorized to advertise in two or more of the daily newspapers published in the city of Baltimore, for at least five days, for sealed proposals for enlarging and widening, to the width of ten feet, the sewer above named, and for walling and paving the same, and that they award the contract to the lowest responsible bidder, the amount necessary to pay for the same to be provided for in the annual levy for 1862.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and an ordinance entitled, "An ordinance supplementary to an ordinance entitled, 'An ordinance to condemn and open John street, from Harford avenue to Eden street,'" being No. 57 of the ordinances of 1860, approved July 17, 1860," which were read:

The joint standing committee on Highways, to whom was referred the petition of D. C. H. Emory and others, asking the suspension of ordinance No. 57, approved 17th July 1860, entitled "An ordinance to condemn and open John street, from Harford avenue to Eden street," have examined into the matter of said opening, and are of the opinion that the prayer of the petitioners should be granted, and therefore beg leave to offer the accompanying ordinance.

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JESSE MARDEN,

Second Branch.

On motion of Mr. Bouldin, the ordinance was read a second time, by special order, and passed.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of Joseph Leistner and others, asking per-

mission to erect a bench on the footway, adjoining the south footway on Alice Anna street adjoining Broadway, have examined the premises, and would respectfully report that the prayer of the petitioners should not be granted, and they therefore offer the following resolution :

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JESSE MARDEN,

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and an ordinance entitled, "An ordinance to tunnel Calhoun street, from Franklin street northerly," which were read :

The joint standing committee on Highways, to whom was referred the petition of Thomas E. Steuart, agent for John H. B. Latrobe and Wm. H. Buckler, Executors of Thomas Edmondson, and for trustees, beg leave to state that they have examined the premises, and have come to the conclusion that the said petition should be granted, whenever the owners of a majority of front feet of ground sign and file an application with the City Commissioners to grade and pave the said Calhoun street. They therefore offer the accompanying ordinance.

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JESSE MARDEN,

Second Branch.

On motion of Mr. Bouldin, the ordinance was read a second time, by special order, and passed.

Mr. Blanchard called up the resolution authorizing the Harbor Master of the Fifth District to make, with the approbation of the City Comptroller, such a settlement as may be equitable, in reference to wharfage now due, or hereafter to become due, on lumber landed in said District, which was read.

Mr. Blanchard moved to amend the resolution by striking out the word "hereafter" in the fifth line, which was determined in the affirmative.

Mr. Blanchard moved to further amend the resolution by inserting after the words "become due," in the fifth line, the words "within twelve months from this date," which was determined in the affirmative.

The question recurring on the adoption of the resolution as amended, the same was adopted.

Mr. Nicholas called up the resolution authorizing and requiring the Register of the city to pay to the Janitor of the Orphans' Court of Baltimore city the sum of one hundred dollars, for the year eighteen hundred and sixty-one, in monthly instalments, in addition to the sum of one hundred dollars, directed to be paid to him by the General Appropriation Bill, lately passed by the Mayor and City Council of Baltimore for 1861, which was read and adopted.

Mr. Staylor offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to have stepping stones placed across Hillen street at its intersection with Front and Exeter streets, on the east side of each of those streets named, the amount to be taken out of the annual appropriation for flag and stepping stones for the year 1861.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Myers offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the City Commissioners and Port Warden inform

this Branch of the probable cost of piling, and bracing, and placing the dock, now occupied by the city, as a harbor for her scows and other purposes, in a proper condition, to be competent to hold and retain the sediment from Jones' Falls and the harbor, and to remove the piling, bracing and logs on the eastern side of said dock, if it will pay to do so.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin called up the ordinance entitled, "An ordinance to condemn and open Park street, from Richmond street to Biddle street," which was read.

Mr. Brown moved to amend the ordinance by adding to the first section the words, "provided that no commencement shall be made in the opening of said street prior to the first of May, 1862," which was determined in the affirmative.

Mr. Bolgiano moved that the further consideration of the ordinance be indefinitely postponed, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Bolgiano:

Yeas—Messrs. Myers, Thomas, Bandel, Bolgiano, Staylor, Nicholas, Blanchard, Chase and Tegmeyer—9.

Nays—Messrs. President, Yeisley, Wolf, Bouldin, Brown, Phelps, Drakeley, Allen, Dixon and Hay—10.

Mr. Myers moved to strike out the enacting clause, which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Myers:

Yeas—Messrs. Yeisley, Wolf, Myers, Thomas, Bandel, Bolgiano, Staylor, Nicholas, Blanchard, Phelps, Allen, Chase and Tegmeyer—13.

Nays—Messrs. President, Bouldin, Brown, Drakeley, Dixon and Hay—6.

The Second Branch returned the resolution authorizing the Mayor, Comptroller and Register, or a majority of them to enter into negotiation with Samuel J. Pentz and others, and William Ortwine, owners of ground, lying between Pennsylvania avenue and Shield alley, with a view to purchasing from said parties for cash, or on such terms as they may approve, a strip of land,

not less than ten feet wide, between the points named, for the purpose of enlarging and widening the sewer now running from Pennsylvania avenue, westwardly to Shield alley; and, if in their judgment, they can obtain the said strip of land at a fair and reasonable price, authorizing them to purchase the same in the name of the Mayor and City Council, and to draw upon the Comptroller for the sum necessary for such purchase, the amount to be provided for in the annual levy for 1862; and, on the completion of the purchase, authorizing the Board of City Commissioners to advertise in two or more of the daily newspapers published in the city of Baltimore, for at least five days, for sealed proposals for enlarging and widening, to the width of ten feet, the sewer above named, and for walling and paving the same, and that they award the contract to the lowest responsible bidder, the amount necessary to pay for the same to be provided for in the annual levy for 1862; the resolution authorizing the City Commissioners to repair and put in good condition the Point Lane, from Gay street to Harford avenue, and from Harford avenue to the York road, and appropriating the sum of three hundred dollars, or so much thereof as may be necessary for the completion of the work; the resolution authorizing the Water Board to have the pump on the corner of Pennsylvania avenue and Union street put in repair; the resolution discharging the joint standing committee on Highways from the further consideration of the petition of Nicholas Popplein and others; and the resolution authorizing the Comptroller to have gas mains laid in Barre street, between Charles and Light streets, and gas lamps erected on said street, in place of the present oil lamps, severally endorsed "concurred in."

The Second Branch returned the ordinance entitled "An ordinance to provide for the inspection of carburetted hydrogen or illuminating gas in the city of Baltimore," endorsed "passed."

The Second Branch returned the resolution directing the Commissioner of Health and City Physician to hand over the accounts of the Marine Hospital to the Comptroller for examination, and authorizing the same to be paid if found correct, endorsed "concurred in, with proposed amendment."

Amendment proposed:

Insert after the word "Accounts" in the third line, the words "of the Marine Hospital."

Mr. Yeisley moved that the Branch concur in the proposed amendment, which was determined in the affirmative.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and an ordinance entitled, "An ordinance supplementary to revised ordinance No. 18, entitled, 'An ordinance to preserve the health of the city,' " which were read and laid on the table:

The joint standing committee on Health, to whom was referred the petition of Messrs. Dinsmore and Kyle and others, merchants of Baltimore, praying the repeal of the prohibition upon the introduction of oysters into the city during the months of June, July and August, have, after consideration, agreed to offer the accompanying supplementary ordinance for your consideration.

D. E. THOMAS,

JOHN BOLGIAÑO,

First Branch.

JOHN W. WILLSON,

ASA HIGGINS,

Second Branch.

On motion of Mr. Chase, the Branch adjourned until to-morrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinances and resolutions were this day presented to the Mayor:

An ordinance explanatory of and supplementary to an ordinance entitled "An ordinance to open and condemn Warner street from Little Camden street (formerly Elbow Lane) to Columbia street, No. 82 of ordinances of 1860, approved September 18th, 1860.

An ordinance to close up certain streets and alleys within the limits of Patterson's Park in the city of Baltimore.

A supplement to an ordinance entitled "An ordinance for the measurement of charcoal," approved June 5, 1858.

An ordinance to close Conway street between Howard and Eutaw streets.

An ordinance to provide for the inspection and sealing of Gas Meters in the city of Baltimore.

Resolution for the repairs of certain pumps.

Resolution providing for the payment of indexing the journals of the Council.

Resolution authorizing Thomas Bradyhouse and others to use and occupy a portion of the footway in front of their premises.

Resolution authorizing Coleman and Cleveland to use and occupy a portion of the pavement in front of their premises.

Resolution permitting Mrs. Isabella Brown and George S. Brown to erect a frame building to be used as a soup house.

Thursday, May 23d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Drakeley.

The following communication was received from the Commissioners for Opening Streets, and referred to the joint standing committee on Highways:

OFFICE OF THE COMMISSIONERS FOR OPENING STREETS,
Baltimore, May 23, 1861.

To the Honorable, the Members of the

First Branch of the City Council.

GENTLEMEN :—

The Commissioners for Opening Streets have received a communication from your Honorable Body, asking the amount of expense incurred for and on account of the opening of John

street, from Harford avenue to Eden street. In reply they beg to say that the amount so far is five hundred and sixty-three dollars and ten cents ; all of which is respectfully submitted.

By order of the Board of Commissioners,

PHILIP T. DAWSON, *Clerk.*

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read :

The joint standing committee on Claims, to whom was referred the petition of E. C. Webster, praying a return of taxes paid in error, respectfully report the annexed resolution :

E. WYATT BLANCHARD,

JOHN BOLGIANO,

First Branch.

JAS. B. GEORGE, Sr.,

JOSEPH ROBB,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the petition of E. C. Webster, praying a return of taxes paid in error, be referred for decision to the Appeal Tax Court, and that the Comptroller pay to the petitioner such sum as shall be by said Court certified to be due.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard, from the joint standing committee on Claims, submitted the following report and resolution, which were read :

The joint standing committee on Claims, to whom was referred the petition of H. Shultz, asking to be paid for certain work done for the Fire Commissioners, recommend the adoption of the annexed resolution :

E. WYATT BLANCHARD,

JOHN BOLGIANO,

First Branch.

JAS. B. GEORGE, Sr.,

JOSEPH ROBB,

Second Branch.

Resolved by both Branches of the City Council of Baltimore, That the petition of H. Shultz be and it is hereby referred for decision to the Board of Fire Commissioners.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Phelps offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That all vacancies now existing, or which may hereafter occur, by resignation or otherwise, in the Board of Labor Commissioners, shall be filled from time to time by said Board by appointments from the wards in which said vacancies may arise respectively.

On motion of Mr. Bolgiano, the resolution was read a second time, by special order, and adopted.

Mr. Phelps offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby requested to cause the footway on Dolphin street, between Garden and Madison streets, to be placed in proper repair.

On motion of Mr. Phelps, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Bolgiano the rules were suspended, to allow him to introduce an ordinance entitled, "A supplement to an ordinance entitled, 'An ordinance relative to the officers of the city,' being No. 4 of revised ordinances of 1858," which was read.

On motion of Mr. Bolgiano, the ordinance was read a second time, by special order, and passed.

Mr. Dixon presented the resignation of Perry C. Orem, of the Seventeenth Ward, as one of the Board of Labor Commissioners, which was accepted.

Mr. Chase called up the communication from William E. Whitson, of the Sixteenth Ward, in which he declines the appointment as one of the Board of Labor Commissioners.

Mr. Chase moved that the declension of Mr. Whitson be accepted, which was determined in the affirmative.

Mr. Blanchard offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized to pay to such party or parties as shall execute to the Mayor and City Council of Baltimore, a good and sufficient deed in fee simple of that part of Battery Square now claimed and occupied by James Polk, Esq., the amount heretofore assessed by the Commissioners for laying out Battery Square, as the proper valuation of the said part of Battery Square, with interest thereon from the date of the valuation; provided however, that said deed and the title of the grantor or grantors shall have been first approved by the City Counsellor.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin offered the following resolution, which was read:

Resolved by the First Branch of the City Council of Baltimore, That the Register of the city inform this Branch if the Commissioners for Opening Streets have complied with Sec. 22 of Revised Ordinances, No. 15, approved June 5, 1858.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bolgiano called up the ordinance entitled "An ordinance supplementary to Revised Ordinance No. 18, entitled 'An ordinance to preserve the Health of the City,' " which was read and passed.

Mr. Bouldin called up the ordinance entitled "An ordinance to encourage and foster the introduction and permanence of Steam communication between the wharf at the foot of Broadway and the wharf at Hawber street, Locust Point," which was read.

Mr. Bolgiano moved to fill the blank in the fourteenth line of the first section with the word "three" which was determined in the affirmative.

Mr. Blanchard moved to amend the ordinance by striking out all after the word "forth" in the thirteenth line of the first section to the word "addition" inclusive in the twenty-first

line, which was determined in the negative by the following vote, the yeas and nays being required by Mr. Chase:

Yeas—Messrs. Bolgiano, Nicholas and Blanchard—3.

Nays—Messrs. President, Yeisley, Wolf, Bouldin, Thomas, Bandel, Staylor, Brown, Phelps, Allen, Chase, Dixon, Hay, Tegmeyer and Crout—15.

Mr. Myers by permission of the Branch was excused from voting.

Mr. Crout moved to amend the ordinance by striking out the words "one thousand" in the nineteenth line of the first section and inserting in lieu thereof the words "five hundred" which was determined in the affirmative.

Mr. Bolgiano moved to further amend the ordinance by inserting after the word "year" in the twenty-first line of the first section the words "to be paid out of the levy for highways and bridges," which was determined in the affirmative.

Mr. Bolgiano moved to strike out the preamble to the ordinance, which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended the same was passed.

Mr. Blanchard called up the ordinance entitled "An ordinance entitled 'A supplement to an ordinance empowering Wm. H. Travers and others to construct a Passenger Rail Road on Baltimore street and other streets,'" which was read.

Mr. Blanchard moved that the ordinance be laid on the table, and made the order of the day for to-morrow which was determined in the affirmative.

Mr. Myers from the joint standing committee on the Harbor, submitted the following report and an ordinance entitled "An ordinance supplementary to 'An ordinance to regulate the navigation of the Harbor of Baltimore, to appoint Harbor Masters, and to prescribe their duties,' approved June 11, 1858," which were read and laid on the table:

The joint standing committee on the Harbor, to whom was referred the ordinance as passed in the Second Branch, for the purpose of regulating the harbor in respect to vessels lying west

of a line drawn from Hull street at the Port Warden's line on Locust Point, and a northerly direction to the west side of the terminus of Burke street at the Port Warden's line on the north side of the harbor, have had the same under consideration and recommend the adoption of the accompanying ordinance :

JACOB MYERS,

JOHN A. J. DIXON,

D. E. THOMAS,

First Branch.

WM. SWINDELL,

JESSE MARDEN,

WM. DEAN,

Second Branch.

Mr. Staylor from the joint standing committee on the Fire Department submitted the following report and resolution which were read :

The joint standing committee on the Fire Department, to whom was referred the petition of Wm. Gray, asking permission to erect a frame shed on a lot situated in the rear of his premises, on the east side of Broadway, between Eastern Avenue and Bank street, have visited the premises and are of the opinion that the prayer of the petitioner is just and should be granted. They therefore beg leave to offer the following resolution :

JOHN J. STAYLOR,

J. H. TEGMEYER,

JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,

JOSEPH ROBB,

ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to Wm. Gray, to erect a frame shed on his premises, on the east side of Broadway, between Eastern avenue and Bank street.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Blanchard moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Blanchard and Tegmeyer, who repaired to the chamber of the Second Branch, and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Myers, from the joint standing committee on the Harbor, submitted the following report and resolution, which were read:

The joint standing committee on the Harbor, to whom was referred the petition of William Wilson, for permission to extend his Pier fifty feet opposite No. 132 Light street wharf, being satisfied that the prayer of the petitioner would not be granted by the City Council—should the committee report favorably thereon, informed the petitioner to that effect. The petitioner then asked your committee to permit him to place four or five piles in one spot and brace them together, so as to make them sufficiently strong to hold his boat; said piles to be about fifty feet out on a line of his Pier. The committee seeing no objection to the granting of this request, beg leave to submit the following resolution:

JACOB MYERS,
JOHN A. J. DIXON,
D. E. THOMAS,

First Branch.

WM. SWINDELL,
JESSE MARDEN,
WM. DEAN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That William Wilson be and he is hereby allowed to place four or five piles in one spot and brace them together so as to make but one obstruction on a line of his pier, about fifty feet out from said pier. And further, that the said William Wilson shall, at his cost and expense, remove said piles upon a notice of sixty days from the Mayor.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

The Second Branch returned the resolution authorizing the Comptroller to pay to such party or parties as shall execute to the Mayor and City Council of Baltimore a good and sufficient deed, in fee simple, of that part of Battery square now claimed and occupied by James Polk, Esq., the amount heretofore assessed by the Commissioners for laying out Battery square, as the proper valuation of the said part of Battery square, with interest thereon from the date of the valuation, provided, however, that said deed, and the title of the grantor or grantors, shall have been first approved by the City Counsellor; the resolution requiring that all vacancies now existing, or which may hereafter occur by resignation or otherwise, in the Board of Labor Commissioners, shall be filled from time to time by said Board by appointments from the wards in which said vacancies may arise, respectively; and the resolution requesting the City Commissioners to cause the footway on Dolphin street, between Garden and Madison streets, to be placed in proper repair, severally endorsed "concurring in."

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, May 23, 1861.

To the Honorable the Members of the

First Branch of the City Council:

GENTLEMEN :

I have approved of the following ordinances and resolutions emanating from your Branch, viz :

An ordinance providing for the appointment of Visitors of the Jail of Baltimore city.

An ordinance authorizing the City Commissioners to have the work of grading the streets adjacent to Patterson's Park done by the day.

An ordinance to close Conway street between Eutaw and Howard streets.

An ordinance for the inspection and sealing of gas meters in the city of Baltimore.

An ordinance to close up certain streets and alleys within the limits of Patterson's Park in the city of Baltimore.

An ordinance explanatory of and supplementary to an ordinance entitled "An ordinance to open and condemn Warner street, from Little Camden street, (formerly Elbow lane,) to Columbia street," No. 82 of ordinances of 1860, approved September 18th, 1860.

A supplement to an ordinance entitled "An ordinance for the measurement of charcoal," approved June 5th, 1858.

Resolution permitting Mrs. Isabella Brown and George S. Brown to erect a frame building to be used as a soup house.

Resolution authorizing Thomas Bradyhouse and others to use and occupy a portion of the footway in front of their premises.

Resolution for the repair of certain pumps.

Resolution providing for the payment of indexing the Journals of the Council.

Resolution authorizing the purchase of additional telegraph apparatus.

Resolution authorizing Coleman & Cleveland to use and occupy a portion of the pavement in front of their premises.

Resolution authorizing the removal of earth from the city property on Fort Avenue.

Respectfully,

GEO. WM. BROWN, *Mayor*.

Mr. Bouldin offered the following resolution which was read and laid on the table :

Resolved by the First Branch of the City Council of Baltimore, That the per diem of the chief clerk, assistant clerk and doorkeeper of this Branch be, and the same is hereby increased one dollar for the annual session.

On motion of Mr. Belgiano the Branch adjourned until tomorrow afternoon at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk*.

Friday, May 24th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Brown presented the petition of W. Harris, asking compensation for certain fire arms forcibly taken from his store on West Pratt street, on the 21st of April last, which was referred to the joint standing committee on Claims.

Mr. Phelps presented the petition of Messrs. Duer, Norris & Co. asking payment for certain fire arms furnished on the 21st of April last, which was referred to the joint standing committee on Claims.

Mr. Drakeley presented the petition of Charles Hoffman and others, asking for the removal of the pump on the east side of Pearl street, between Lexington and Fayette streets, which was referred to the joint standing committee on Water.

Mr. Brown from the joint standing committee on Water submitted the following report and resolution, which were read:

The joint standing committee on Water to whom was referred the petition of Mrs. M. A. O'Laughlin, asking to have the fountain on Calvert street, near Franklin, put in order, have examined the same, and beg leave to offer the following resolution:

THOS. J. BROWN,
SOLOMON ALLEN,
J. H. TEGMEYER,

First Branch.

DECATUR H. MILLER,
ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Water Engineer be and he is hereby directed to have a new hydrant, with a ladle attached to it, placed at the Fountain on Calvert street, near Franklin street, to be paid for out of the appropriation for pumps, for the year 1861.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

The following communication was received from the City Register :

REGISTER'S OFFICE,
Baltimore, May 24th, 1861.

To the President and Members of the

First Branch of the City Council.

GENTLEMEN :

I have the honor to acknowledge the receipt of the following resolution adopted by your Branch on the 23d inst., "Resolved by the First Branch of the City Council of Baltimore, That the Register of the city inform this Branch if the Commissioners for Opening Streets, have complied with Section 22 of Revised Ordinance No. 15, approved June 5, 1858." And in reply thereto, answer *no*.

Respectfully,

JNO. A. THOMPSON, *Register*.

Mr. Blanchard from the joint standing committee on Claims, submitted the following report and resolution, which were read:

The joint standing committee on Claims, to whom were referred the petitions of Charles Meyers and Wm. Ortwine, asking compensation for damage to their property from the defective drainage and sewerage of Pennsylvania avenue and adjacent streets, respectfully report. The committee have examined the locality and find that some additional means of carrying off the flow of water in times of heavy rains, seems to be absolutely necessary. So far as the petitions present claims for pecuniary compensation, the committee can only repeat the opinion expressed in reference to a similar case heretofore reported by the committee, that until the cases now pending in our courts, in which the question of the liability of the city, is involved, have been determined, it would be inexpedient for the City Council to take any action. They recommend the adoption of the following resolution :

E. WYATT BLANCHARD,

JOHN BOLGIANO,

JOHN J. STAYLOR,

First Branch.

JAS. B. GEORGE, Sr.,

DECATUR H. MILLER,

Second Branch.

Resolved by both Branches of the City Council, That the committee on Claims be discharged from the further consideration of the claims of Charles Meyers and Wm. Ortwine.

On motion of Mr. Blanchard the resolution was read a second time, by special order, and adopted.

Mr. Yeisley offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That the sum of ten thousand dollars, or so much thereof as may be necessary, be placed at the disposal of the Mayor to pay for the labor and work ordered, or that may yet be ordered by the Mayor and City Council, and for which no appropriation has been made ; the same to be taken out of the appropriation made by the ordinance entitled "An ordinance to appropriate five hundred thousand dollars, or so much thereof as may be necessary for the defence of the city against any danger that may arise out of the present crisis," approved 20, April 1861.

On motion of Mr. Yeisley the resolution was read a second time, by special order.

Mr. Blanchard moved that the resolution be referred to the joint standing committee on Ways and Means, which was determined in the negative.

Mr. Allen moved to amend the resolution by striking out the word "ten" in the second line, and inserting in lieu thereof the word "five" which was determined in the negative by the following vote, the yeas and nays being required by Mr. Yeisley :

Yeas—Messrs. Nicholas, Blanchard, Allen, Chase, Hay and Tegmeyer—6.

Nays—Messrs. President, Yeisley, Wolf, Myers, Bouldin, Thomas, Bandel, Bolgiano, Staylor, Brown, Phelps, Drakeley, Dixon and Crout—14.

The question recurring on the adoption of the resolution, it was determined in the affirmative.

The Second Branch returned the resolution authorizing and requiring the Register of the city to pay to the Janitor of the Orphans' Court of Baltimore city the sum of one hundred dollars, for the year eighteen hundred and sixty-one, in monthly instalments, in addition to the sum of one hundred dollars directed to be paid to him by the General Appropriation Bill,

lately passed by the Mayor and City Council of Baltimore for 1861, the resolution authorizing the Harbor Master of the fifth district, with the approbation of the Comptroller, to make such settlement as may be equitable in reference to wharfage now due, or which may become due within twelve months from this date, on lumber landed in said district, the resolution authorizing the City Commissioners to have stepping stones placed across Hillen street, at its intersection with Front and Exeter streets, on the east side of each of those streets, and the resolution discharging the joint standing committee on Highways from the further consideration of the petition of Joseph Leister and others severally endorsed "concurréd in."

The Second Branch returned the ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to condemn and open John street, from Harford Avenue to Eden street,' being No. 57 of the Ordinances of 1860, approved July 17, 1860," the ordinance entitled "An ordinance to tunnel Calhoun street from Franklin street northerly," and the ordinance entitled "A supplement to an ordinance entitled 'An ordinance relative to the officers of the City,' being No. 4 of Revised Ordinances of 1858," severally endorsed "passed."

The Second Branch returned the resolution appropriating the sum of thirty dollars, or so much thereof as may be necessary, for the protection of the trees from bugs and worms in the Eastern Spring Lot, endorsed "concurréd in with proposed amendment."

Amendment proposed :

Add to the resolution the words "and that the sum of one hundred dollars be and the same is hereby appropriated for the purpose of repairing the walks, filling up the washes, and other necessary repairs in Madison Square, the amount to be taken out of any money in the Treasury not otherwise appropriated."

Mr. Bouldin moved that the Branch concur in the proposed amendment, which was determined in the affirmative.

The President announced the order of the day, being the ordinance entitled "An ordinance entitled 'A supplement to an ordinance empowering Wm. H. Travers and others to construct a Passenger Rail Road, on Baltimore street and other streets,'" which was taken up.

Mr. Bouldin moved to amend the ordinance by striking out the words "after the hour of one o'clock, P. M." in the fifth line of the first section, and inserting in lieu thereof the words

“between the hours of seven and eleven, A. M., and between the hours of one and eight, P. M.,” which was determined in the negative.

Mr. Bolgiano moved to amend the ordinance by striking out the letter “P” immediately after the word “o’clock” in the fifth line of the first section, and inserting in lieu thereof the letter “A,” which was determined in the negative.

Mr. Bolgiano moved to strike out the enacting clause of the ordinance, which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Yeisley :

Yeas—Messrs. Yeisley, Wolf, Thomas, Bandel, Bolgiano, Nicholas, Phelps, Drakeley, Allen, Chase, Dixon and Crout—12.

Nays—Messrs. President, Myers, Bouldin, Staylor, Brown, Blanchard, Hay and Tegmeyer—8.

Mr. Bouldin called up the resolution increasing the per diem of the Chief Clerk, Assistant Clerk and Doorkeeper, one dollar for the annual session, which was read.

Mr. Bolgiano moved to amend the resolution by adding thereto the following :

And be it further resolved, That the pay of the Members of the First Branch of the City Council be also increased one dollar per diem for this session, excepting the Member from the Seventh ward,

which was determined in the negative.

The question recurring on the adoption of the resolution, it was determined in the negative by the following vote, the yeas and nays being required by Mr. Chase :

Yeas—Messrs. Bouldin and Crout—2.

Nays—Messrs. President, Yeisley, Wolf, Myers, Thomas, Bandel, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Phelps, Drakeley, Allen, Chase, Dixon, Hay and Tegmeyer—18.

Mr. Bolgiano offered the following resolution which was read :

Resolved by the Mayor and City Council of Baltimore, That two thousand dollars be and the same is hereby appropriated

for the use of indigent widows, sewing women and children, who have no male support, to be distributed under the direction of the Poor Association of the City of Baltimore, at such time or times as they may deem most advisable, the same to come out of the appropriation made by the ordinance, approved April 20th, 1861.

On motion of Mr. Bolgiano the resolution was read a second time, by special order and adopted.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Chase moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Chase and Bolgiano, who repaired to the chamber of the Second Branch, and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

The Second Branch returned the resolution granting permission to Wm. Gray to erect a frame shed on his premises on the east side of Broadway, between Eastern Avenue and Bank street, the resolution referring the petition of H. Shultz for decision, to the Board of Fire Commissioners, the resolution referring the petition of E. C. Webster, praying a return of taxes paid in error, for decision to the Appeal Tax Court, and authorizing the Comptroller to pay to the petitioner such sum as shall be certified by said Court to be due, the resolution directing the Water Engineer to have a new hydrant, with a ladle attached to it, placed at the fountain on Calvert street, near Franklin street, the resolution placing ten thousand dollars, or so much thereof as may be necessary, at the disposal of the Mayor to pay for the labor and work ordered or that may be ordered by the Mayor and City Council, and for which no appropriation has been made, and the resolution appropriating two thousand dollars for the use of indigent widows, sewing women and children, who have no male support, to be distributed under the direction of the Poor Association of the City of Baltimore, at such time or times

as they may deem most advisable, severally endorsed, "con-
curred in."

Mr. Brown offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the doorkeeper be directed to take charge of the chamber during the time intervening between the adjournment this evening and the meeting again on the 10th of July, and that he be allowed a per diem of one dollar for the same ; and that the clerk return him upon the pay roll accordingly.

On motion of Mr. Brown the resolution was read a second time, by special order, and adopted.

Mr. Staylor offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the clerk be and he is hereby directed to return the per diem sheet as though the Council had adjourned *sine die*.

On motion of Mr. Staylor the resolution was read a second time, by special order, and adopted.

Mr. Nicholas moved that a message be sent to the Second Branch, proposing with their concurrence, the appointment of a joint select committee to wait upon the Mayor, and inform him that the Council is about to adjourn to the 10th of July next, and to ascertain if he have any further communication to make to the Council at this time, which was determined in the affirmative.

The President appointed as the committee on the part of this Branch, Messrs. Nicholas, Allen and Crout.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, May 24, 1861.

Gentlemen of the First Branch :

We respectfully inform you that we have concurred in your proposition for the appointment of a joint select committee to wait upon the Mayor and inform him that the Council is about to adjourn to the 10th of July next, and to ascertain if he has

any further communication to make at this time. We have appointed Messrs. Miller, Alricks and George as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Nicholas from the joint select committee appointed to wait upon the Mayor, reported that the committee had performed the duty assigned them, and that the Mayor had no further communication to make.

On motion of Mr. Allen the Branch adjourned until Wednesday, the 10th of July next, at five o'clock, P. M.

By order,

J. SHAAFF STOCKETT, *Clerk.*

JOURNAL.

Wednesday, July 3rd, 1861.

FIRST BRANCH.

The Branch met this afternoon, at five o'clock, in pursuance of a summons from the Mayor.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Bolgiano.

The President informed the Branch that Mr. Bolgiano was absent on account of sickness in his family.

Mr. Crout moved that a message be sent to the Second Branch proposing, with their concurrence, the appointment of a joint special committee to wait upon the Mayor and inform him that the Council is now in session, and ready to receive any communication he may have to make, which was determined in the affirmative.

The President appointed Messrs. Crout, Thomas and Tegmeyer as the committee on the part of this Branch.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, July 3d, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition for the appointment of a joint special committee to wait on the Mayor and inform him that the Council is now in session and prepared to receive any communication he may have to make. We have appointed Messrs. Robb, Dean and Marden as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Crout from the joint special committee appointed to wait upon the Mayor, reported that the committee had performed the duty assigned them, and that the Mayor would send in his communication in a few minutes.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,
Baltimore, July 3d, 1861.

To the Honorable the Members of the

First and Second Branches of the City Council:

GENTLEMEN :

The object of my convening you at this time, is to call your attention to the necessity for making provision for the payment of interest on one and a half millions of dollars of the bonds of the Northwestern Virginia Railroad Company, guaranteed by the City of Baltimore, the interest on which, amounting to \$45,000, became due on the 1st inst. The Baltimore and Ohio

Railroad Company heretofore leased the Northwestern Virginia Railroad for a term of five years, which will expire on the first of January next, and during said period agreed to pay annually out of the gross proceeds of the road three classes of debts, in the first of which is placed the interest on said guaranteed bonds. The gross proceeds for each year, including the present, is more than sufficient to pay the first class, but the Baltimore and Ohio Railroad Company contends that because it has during previous years advanced in payment of said three classes more than it received from the road, it has a right to decline all payments until the amount it has so advanced is refunded. The effect of this construction is entirely to deprive the City of the benefit of being a creditor of the first class. The course of the Baltimore and Ohio Railroad Company is sustained by the opinion of its legal adviser, but not by that of the Counsellor of the City, in whose views I fully concur. I submit herewith copies of the contract, of the opinions of Counsel, and of the resolutions of the Railroad Company.

A temporary arrangement was made by me to pay the interest, in order that the credit of the City might not be impaired, but I advise that provision be made to borrow the necessary money for the purpose. I further advise that proper measures be adopted to settle the question in dispute between the City and the Baltimore and Ohio Railroad Company, and to collect the amount from the latter if it shall prove to be due, and that in the meantime, certain money due by the City to the Company for arching Tunnels, &c., be withheld. The City holds as security for said guarantee a mortgage from the Northwestern Railroad Company.

I shall soon make the events which have recently occurred in this City the subject of a special communication.

Respectfully,

GEO. WM. BROWN, *Mayor*.

[Copy.]

ARTICLES OF AGREEMENT

Made this twenty-seventh day of December, in the year one thousand eight hundred and fifty-six, between the BALTIMORE AND OHIO RAILROAD COMPANY of the first part, and the NORTH-WESTERN VIRGINIA RAILROAD COMPANY of the second part, witness: That, for the purpose of promoting the interests of both Companies in the transportation of passengers and freight to and fro between the city of Baltimore and the town of Parkersburg, and for intermediate distances, involving portions of both

roads, and avoiding the necessity of changes of cars in any case at the junction of said roads, to the detriment of their business, and to the inconvenience of persons and injury of property, the said parties of the first part have agreed, and do hereby agree with the said parties of the second part, to work the road of the latter with the rolling stock and machinery, officers and agents, of the said parties of the first part, for the period of five years from the 1st day of January, in the year 1857, keeping the said road and its appurtenances during that time, and delivering them up at the expiration thereof, in as good repair, (necessary wear and tear excepted,) as when they undertake the charge of them.

In consideration whereof, the said parties of the second part agree that the said parties of the first part shall collect the entire revenue from all sources of the said road and its appurtenances during the period aforesaid; and that all officers, agents and employees necessary for the maintaining and working said road shall, so soon as the same shall be open for travel to Parkersburg, be appointed and compensated by the said parties of the first part, and until the expiration of the period of five years aforesaid.

And it is agreed that the gross revenue aforesaid shall be applied, during the term of five years aforesaid, firstly, to the payment of the interest coupons of the Mortgage Bonds of the said parties of the second part, as well as the interest coupons of forty-two thousand dollars of certain ten year bonds issued by the said parties of the second part, as said interest coupons shall become payable; said interest coupons to be cancelled and returned to the said parties of the second part from time to time: Secondly, the interest on the amount now, or hereafter to become due by the said parties of the second part to the said parties of the first part: Thirdly, all taxes and assessments legally imposed on the said parties of the second part during the period of five years aforesaid: And, fourthly, such sum, not exceeding five thousand dollars per annum, as may be required by the said parties of the second part for office and other expenses, irrespective of the maintenance and working of the said road.

And it is further agreed that the said parties of the first part shall keep accurate accounts of the gross revenue of the said road, and shall render the same to the said parties of the second part monthly; and that whenever forty per cent. of the said gross revenue for any year after the first shall exceed the amount to be paid by the said parties of the first part, as enumerated in the foregoing paragraph of this agreement, for that year, such excess, to the amount of twenty-five thousand dollars, shall be applied by the said parties of the first part in reduction of the indebtedness to them of the said parties of the second part;

and the residue of such excess, if any, for any year after the first, and the whole for the first year, shall be paid over to the said parties of the second part; but no such payment shall exceed six per cent. of the par value of their capital stock, nor shall any such payment be made except for the first year, until twenty-five thousand dollars for each and every year of the five herein mentioned, after the first, that has expired, has been appropriated to the reduction of their debt to the Baltimore and Ohio Railroad Company; and any further residue of such excess, after the payment of the six per cent. aforesaid, shall also go in reduction of the said debt.

And it is further agreed that the accounts between the two Companies, parties hereto, shall be stated semi-annually, up to the 31st of March and 30th of September.

And it is further agreed that the Baltimore and Ohio Railroad Company, the parties of the first part hereto, shall at once return to the said parties of the second part such amount of the unguaranteed Third Mortgage Bonds of the latter, now deposited with the said parties of the first part, as will be equal, dollar for dollar, to the amount of Bonds or Notes of the said parties of the second part, payable one year after the opening of the said road, and which they have issued, or contracted to issue, to their Contractors, with the interest accrued and to accrue thereon,—the said Third Mortgage Bonds to be applied at par to the payment of the said Bonds or Notes so given to Contractors.

And it is hereby further agreed between the parties hereto, that the Baltimore and Ohio Railroad Company, the parties of the first part aforesaid, shall purchase from the Northwestern Virginia Railroad Company, the parties of the second part hereto, at the actual cost thereof, on such terms as may suit the said purchasers, the property of the said parties of the second part at Grafton, at the junction of the two roads, including the real estate, buildings and machinery, with the appurtenances, other than the line of road proper from the said junction to the Tygart's Valley river, and all the rolling stock, machinery, tools, and other property provided or intended to be used by the said parties of the second part for working the said road, or keeping the same and its rolling stock and appurtenances in repair. And the said parties of the first part agree to assume and perform the several contracts of the said parties of the second part, for the purchase or hire of other rolling stock and its appurtenances intended to be used in working the said road, as though said contracts had been made originally on account of the said parties of the first part.

And the said parties of the first part further agree to advance to the said parties of the second part, from time to time, as required by the latter, such sum or sums of money, or notes of the

parties of the first part, as, together with the amount to be paid them for the Grafton property and its appurtenances, shall amount to one hundred thousand dollars. And in order to reimburse said advance, the said parties of the second part agree that there shall be paid over to said parties of the first part, the amounts remaining due and unpaid of the stock of the Northwestern Virginia Railroad Company, subscribed at Baltimore, Clarksburg and Weston, as the same is collected until such advance is reimbursed.

And it is further agreed that the cost of additions to and improvements upon the works and property of the said parties of the second part, properly chargeable to construction, including the cost of any additional ballasting of the said road, until the same shall be equal to the average of the road of the said parties of the first part, and which additions and improvements shall be deemed necessary by the said parties of the first part to facilitate or increase the business of the said road, and shall be made by the said parties of the first part, shall be added to the indebtedness of the parties of the second part aforesaid, and shall be paid as is herein provided.

And the said parties of the second part hereby agree to endeavor to obtain from the General Assembly of Virginia, the passage of an Act authorizing the consolidation of the two Companies, parties hereto, on terms satisfactory to the parties of the first part, under the name of the Baltimore and Ohio Railroad Company: And it is agreed, that if any such Act is passed at any time during the period of five years aforesaid, or of any farther and similar period under an agreement like to the present, and is accepted by general meetings of the Stockholders of the two Companies, which shall be called for the purpose within two months after the passage of such Act, then this agreement, or any renewal thereof, is to be determined; and the said Baltimore and Ohio Railroad Company hereby agree, in that event, to become responsible for all the then existing debts of the said parties of the second part, contracted in the construction and completion of their road, or growing out of their now existing contracts, responsibilities and engagements, and they shall thenceforth be the owners of all the works, property and other assets of the said parties of the second part; and the said parties of the first part agree, in that event, to issue, when demanded, certificates of ownership of the stock of the said Baltimore and Ohio Railroad Company, in exchange for the stock certificates of the said parties of the second part, at the rate of one share of the former, of the per value of \$100, for two shares of the latter, of the par value of \$50 each.

And it is further agreed, that should the consolidation above referred to not take place during the period of five years here-

inbefore provided for, then an agreement, similar to the present, shall be made for another and like period, at the option of the said parties of the first part, on the same terms and conditions; but should there be no such further agreement entered into, or at the expiration of any such further agreement, no part of the debt incurred or to be incurred, of the parties of the second part aforesaid to the said parties of the first part, shall be payable, except as above provided, until the expiration of six months after the agreement between the said Companies for working the said road is finally determined; and on such determination, whenever it shall take place, the said parties of the first part shall re-convey to the said parties of the second part, the Grafton property on repayment of cost, including the cost of the improvements which may be made thereon by the said parties of the first part, without interest.

And the parties hereto hereby mutually bind themselves to the performance of the several acts to be respectively done or performed by them according to the tenor of this agreement.

In testimony whereof the said Companies have severally caused these presents to be signed by their Presidents, and sealed with their seals, on the day and year first above written.

(Signed)

THOS. SWANN, *President,*

N. W. Va. R. R. Co.

CHAUNCY BROOKS, *President,*

B. & O. R. R. Co.

[Copy.]

Whereas, by an agreement dated December 27, 1856, between the Baltimore and Ohio and Northwestern Virginia Rail Road Companies, the former bound itself to apply the gross revenue of the latter that was to come into its hands, under the contract, firstly to the payment of the Interest Coupons of the Mortgage Bonds of the said Northwestern Virginia Company, as well as the Interest Coupons of forty-two thousand dollars of certain ten year Bonds issued by the said Company as said Coupons should become payable, said Interest Coupons to be cancelled and returned to the said Virginia Company from time to time.— Secondly, the interest on the amount then or thereafter to become due by the said Northwestern Virginia Company to the said Baltimore and Ohio Rail Road Company. Thirdly, all taxes and assessments legally imposed on the said Northwestern Virginia Company during the period of five years from the date of said contract, and Fourthly, such sum not exceeding five

thousand dollars per annum as might be required by the said Northwestern Virginia Company for office and other expenses, irrespective of the maintenance and working of the said Northwestern Virginia Road.

And whereas, the Baltimore and Ohio Rail Road Company on its part has paid on the accounts above mentioned the sum of \$1,373,858 16, while the gross revenue received by it under the said contract has amounted up to the 30th day of April, 1861, to the sum of \$1,049,333 28 only; and whereas, the said Baltimore and Ohio Rail Road Company is unwilling to make further advances on the above account, increasing still further the balances due them at the date last aforesaid on account thereof; and whereas, the said Company is advised that neither in terms nor by any reasonable implication are they under any obligation to continue the payments aforesaid, when to do so it is necessary to exceed the gross revenue aforesaid;

Therefore be it resolved, That the President be and he is hereby requested to give notice to the said Northwestern Virginia Rail Road Company that the interest on the Bonds aforesaid falling due on the 1st proximo will not be paid by the Baltimore and Ohio Rail Road Company under the contract aforesaid.

Resolved, That the Baltimore and Ohio Rail Road Company discontinue the payment of the said Interest Coupons under the contract aforesaid, until the gross revenue of the said Northwestern Virginia Rail Road Company shall reimburse it for the advances so as aforesaid due under the contract aforesaid, and furnish funds for the same.*

[Copy.]

JOHN W. GARRETT, Esq., *President, &c.*:

DEAR SIR:—I have examined very carefully the contract between the Baltimore and Ohio and the Northwestern Virginia Railroad Companies of the 27th December, 1856, in connection with your inquiry whether the former is bound thereby to pay interest on the Bonds of the latter out of its own proper funds, irrespective of the income received by it from the Northwestern Virginia Road.

The contract in question binds the Baltimore and Ohio Rail Road Company to work the road for five years, from January 1,

*NOTE.—It is not intended by the passage of the foregoing resolutions to announce that the Baltimore and Ohio Rail Road Company will not pay the interest on Mortgage Bonds of the Northwestern Virginia Rail Road Company, of which it is the guarantor, the obligations for which existed prior to the date of the contracts of the 27th December, 1856. These will be paid as heretofore.

1857, to keep it and deliver it up in good repair; authorizes it to receive the entire revenue from all sources, and obliges it to pay therefrom—First, Certain interest Coupons on Mortgage Bonds. Second, Interest due to the Company itself. Third, Taxes and Assessments, and Fourth, Office expenses.

It is very clear from the whole scope of the contract, that it was thought, at the time it was entered into, that the gross revenue would far more than suffice to pay the above charges upon it. The fourth paragraph of the contract for example, is evidently based upon the idea that it would take sixty per cent. of the revenue to work the road and keep it in repair, and that the remaining forty per cent. would not only suffice to meet the above charges, but would leave a surplus for the reduction of the debt to the Baltimore and Ohio Company, and even afford a dividend for the stockholders.

In place of this, however, I am advised that, while the payments referred to have amounted to.....\$1,373,858 16
The entire revenue, from all sources has been

but1,049,333 28
Showing an overpayment by the Baltimore &
Ohio Railroad Company of.....\$324,524 88

This being so, it stands in the position of a trustee, charged with the distribution of a specific fund, who has overpaid the trust, to his own prejudice, and who is entitled out of any further monies that may come into his hands, on the same account to make himself whole, but who is not bound to continue a course of proceeding which has already prejudiced him, to his further injury.

Such an obligation in the present case, if it existed, could only arise upon the contract of the 27th December, 1856, and a careful consideration of that instrument satisfies me that none such exists either in terms or by any reasonable implication: nor, upon the facts as stated to me, do I perceive how the Baltimore and Ohio Rail Road Company could be charged with illiberality even, in not making further advances. If, by refusing to pay the interest on mortgage bonds, guaranteed by the City of Baltimore, the City becomes bound to provide for them, and having paid the interest, becomes entitled to proceed to foreclose its mortgage, this Company is perhaps the greatest loser—and if it prefers taking this risk to increasing still further the debt of the Northwestern Virginia Company, no one, as it seems to me, has any just cause of complaint.

Very truly,

[Signed]

JOHN H. B. LATROBE,

June 18, 1861.

Counsel, &c. &c.

[Copy.]

Baltimore, June 28th, 1861.

DEAR SIR :

I have received your communication of the 27th inst. with the various enclosures, which I now return. The contracts between the Baltimore and Ohio Rail Road Company and the Northwestern Virginia Rail Road Company seems to me clear and explicit. The gross revenue of the latter Company must be applied each year as they accrue by the former Company, to the payment of the interest Coupon Mortgage Bonds of the Northwestern Virginia Rail Road Company, and interest Coupons of \$45,000 of certain ten years Bonds. These must first be paid. The payment to be thereafter made Secondly, Thirdly and Fourthly, can be made only after these first to be paid are met, and in the respective orders of such payments.

In case the Baltimore and Ohio Rail Road Company should have advanced beyond the gross earnings to meet any of these payments, still this gave no authority to deduct except subject to the orders in which such payments were to have been met. This view is greatly strengthened by what I understand to be the fact, that the Mayor and City Council of Baltimore holds the first Mortgage against the Northwestern Virginia Rail Road Company, to secure its guarantee of \$1,500,000 of these Coupon Mortgage Bonds, of which fact the Baltimore and Ohio Rail Road Company must have had cognizance.

I understand that the gross revenue received by the Baltimore and Ohio Railroad Company have each year been sufficient to meet the first class of payments under the contract between these Companies, and that this contract has never been varied or changed, and I also understand that the interest on these Coupon Mortgage Bonds has been paid to the 1st January, 1861, and that the gross revenues received by the Baltimore and Ohio Rail Road Company, for the six months ending 1st July, 1861, have been sufficient to pay the interest on these Coupon Mortgage Bonds embraced in first class; under these circumstances I cannot doubt that the Baltimore and Ohio Rail Road Company is bound to pay the interest on these Coupon Mortgage Bonds, due 1st July, 1861.

The only ground taken, arising from the over payment by the Baltimore and Ohio Rail Road Company from the entire transactions, applying all the gross revenue to all the payments, seems to be untenable.

I am therefore compelled to come to the conclusion that the Baltimore and Ohio Railroad Company is bound under the contract with the Northwestern Virginia Rail Road Company, to pay the interest due on the 1st July, 1861, on these Coupon

Mortgage Bonds embraced in the first class, and especially is bound to pay those guaranteed by the City of Baltimore, which is secured by a first Mortgage.

Yours, very respectfully,

GEO. M. GILL,

City Counsellor.

HON. GEO. WM. BROWN,

Mayor City of Baltimore.

On motion of Mr. Nicholas the rules were suspended to allow him to introduce the following ordinance, which was read :

“An ordinance authorizing and directing the Register of the City of Baltimore to borrow money and pay the interest due on the Bonds or Certificates of Loan of the Northwestern Virginia Rail Road Company guaranteed by the Mayor and City Council of Baltimore.

Whereas, the Northwestern Virginia Rail Road Company have failed to pay the interest due on the first day of July, 1861, on the Bonds, or Certificates of Loan of the said Company, amounting to one million five hundred thousand dollars, guaranteed by the Mayor and City Council of Baltimore, in pursuance of an ordinance of the Mayor and City Council of Baltimore, entitled “An ordinance to guarantee the Bonds of the Northwestern Virginia Rail Road Company,” approved January 5, 1852; therefore,

Section 1. Be it enacted and ordained by the Mayor and City Council of Baltimore, That the Register of the City be and he is hereby authorized and empowered to borrow on the credit of the City, for one year, at a rate of interest not exceeding six per cent. per annum, a sum or sums of money not exceeding in all the sum of forty-five thousand dollars, and out of the money so borrowed to pay the interest due on the first day of July, 1861, on the Bonds or Certificates of Loan of the Northwestern Virginia Rail Road Company, guaranteed by the Mayor and City Council of Baltimore, in pursuance of the provisions of the ordinance aforesaid, entitled “An ordinance to guarantee the Bonds of the Northwestern Virginia Railroad Company,” approved June 5th, 1852.

Section 2. And be it enacted and ordained, That the sum or sums of money borrowed by the said Register, in pursuance of the provisions of this ordinance, shall be repaid out of the Internal Improvement Tax for 1862; and that the amount of interest paid by the Register on account of such Bonds, or Cer-

tificates of Loan, shall be charged to the Internal Improvement Tax account.

On motion of Mr. Nicholas, the ordinance was read a second time, by special order, and passed.

Mr. Crout presented the petition of F. W. Bald asking compensation for certain fire arms and other articles forcibly taken from his premises, on Pennsylvania avenue, and for injury done certain property on the 21st of April last, which was referred to the joint standing committee on Claims.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, July 3d, 1861.

Gentlemen of the First Branch:

We respectfully propose with your concurrence that when the Council adjourns this afternoon it stand adjourned until Tuesday, July 9th, at 10 o'clock, A. M.

By order,
ALLEN E. FORRESTER, *Clerk*.

Mr. Myers moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

The Second Branch returned the ordinance entitled "An ordinance authorizing and directing the Register of the City of Baltimore to borrow money and pay the interest due on the Bonds or Certificates of Loan of the Northwestern Virginia Rail Road Company guaranteed by the Mayor and City Council of Baltimore," endorsed "passed."

On motion of Mr. Nicholas the Branch adjourned until Tuesday, 9th instant, at 10 o'clock, A. M.

By order,
J. SHAAFF STOCKETT, *Clerk*.

Tuesday, July 9th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Blanchard.

Mr. Bouldin presented the petition of Zenus Barnum and others relative to the collection of the tax assessed for the widening of Fayette street, between Calvert and Holliday streets, which was referred to the joint standing committee on Highways.

The following communication was received from the Commissioner of Health and City Physician, and referred to the joint standing committee on Health:

HEALTH OFFICE,

Baltimore, July 8, 1861.

To the Honorable the Members of the

First and Second Branches of the City Council:

GENTLEMEN:

I have thought it necessary that I should call your attention to the condition of many of the alleys in various parts of the city, which, from the want of proper grading and paving, or from the defective condition of the pavement already laid down, are in a state of nuisance. In many of those alleys there exists cavities and depressions, in which collect daily the waste water of hydrants, and kitchen slops, which when mixed with refuse matter either thrown or washed therein, form stagnant pools highly offensive and dangerous to health. The only remedy for such nuisance is to cause such alleys to be properly graded and paved, but to do this under the ordinance requires the consent of the owners of the property (or a majority of them,) binding on such alley, which can seldom be obtained.

Under an Act of Assembly, (page 414, section 7 of Revised Ordinances, authority is given the Mayor and City Council "whenever a nuisance dangerous to the health of the community exists, of the character referred to, to cause such street or alley to be paved, &c., &c."

It is for this purpose that I beg leave to call your attention first and especially, to the condition of "Walnut alley," an unpaved alley between Union and Preston streets, south of Ross

street. The condition of this alley is such that there is no escape for the surface water accumulating upon the bed of the street and adjoining lots, except into the cellars of the houses binding on the alley, most of which have been filled for a long time, presenting a nuisance certainly highly dangerous to the health of the neighborhood.

I also desire to call your attention to the condition of the following streets and alleys, all of which are in a state of nuisance, which can only be abated by causing the same to be properly graded and paved, viz:

A ten foot alley from Lombard to Pratt street, between Spring and Caroline street.

A ten foot alley from Mott street, between Gay and Sterling streets.

Half Moon alley, from Douglas to East street.

Alice Anna street, between Dallas and Eden streets.

Mason alley, between Lanvale and Townsend streets.

Respectfully submitted,

C. H. BRADFORD,

Commissioner of Health and City Physician.

The following communication was received from the Mayor:

MAYOR'S OFFICE—CITY HALL,

Baltimore, July 9th, 1861.

To the Honorable the Members of the

First Branch of the City Council.

GENTLEMEN:

I have approved of and signed the following ordinances and resolutions emanating from your body, viz:

An ordinance in relation to the collection of Taxes.

An ordinance for the appointment of Reviewers of Flour.

An ordinance to provide for the inspection of Carburetted Hydrogen or Illuminating Gas in the city of Baltimore.

An ordinance to tunnel Calhoun street from Franklin street northerly.

A supplement to an ordinance entitled "An ordinance relative to the officers of the City, being No. 4 of Revised Ordinances."

An ordinance supplementary to an ordinance entitled "An ordinance to condemn and open John street, from Harford Av-

venue to Eden street," being No. 57 of the ordinances of 1860, approved July 17, 1860.

An ordinance authorizing and directing the Register of the city of Baltimore to borrow money and to pay the interest due on the Bonds or Certificates of Loan of the Northwestern Virginia Rail Road Company, guaranteed by the Mayor and City Council of Baltimore.

Resolution relative to the widening and enlarging of the sewer running from Pennsylvania Avenue to Shields' alley.

Resolution relative to the Marine Hospital accounts.

Resolution to improve Point lane.

Resolution to repair the pump on the corner of Pennsylvania avenue and Union street.

Resolution relative to Battery Square.

Resolution to place gas mains and gas lamps at certain places.

Resolution relative to wharfage on lumber.

Resolution to repair the footways on Dolphin street.

Resolution relative to vacancies in the Board of Labor Commissioners.

Resolution permitting William Gray to erect a frame shed on his premises.

Resolution to place stepping stones across Hillen street.

Resolution in regard to the Janitor of the Orphans' Court.

Resolution to improve Eastern Spring and Madison Square.

Resolution directing the Water Engineer to have a new hydrant, with a ladle attached, placed at the fountain on Calvert street near Franklin.

Resolution placing ten thousand dollars, or so much thereof as may be necessary, at the disposal of the Mayor for certain purposes.

Resolution appropriating two thousand dollars for the use of indigent widows, sewing women, &c.

Respectfully,

GEO. WM. BROWN, *Mayor*.

The President announced the reception of a sealed communication from the Mayor, addressed to the President and members of both Branches of the City Council.

Mr. Bouldin moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative, and the President appointed Messrs. Bouldin and Bandel, who repaired to the chamber of the Second Branch, and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

On motion of Mr. Nicholas, the Branch adjourned until tomorrow afternoon, at five o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinances and resolutions were presented to the Mayor on the 29th May ultimo:

An ordinance to tunnel Calhoun street, from Franklin street, northerly.

A supplement to an ordinance entitled "An ordinance relative to the Officers of the City," being No. 4 of Revised Ordinances.

An ordinance supplementary to an ordinance entitled "An ordinance to condemn and open John street, from Harford avenue to Eden street," being No. 57 of the ordinances of 1860, approved July 17, 1860.

Resolution relative to Battery Square.

Resolution relative to wharfage on Lumber.

Resolution to repair the footways on Dolphin street.

Resolution relative to vacancies in the Board of Labor Commissioners.

Resolution permitting William Gray to erect a frame shed on his premises.

Resolution to place stepping stones across Hillen street.

Resolution in regard to the Janitor of the Orphans' Court.

Resolution relative to vacancies in the Board of Labor Commissioners.

Resolution permitting William Gray to erect a frame shed on his premises.

Resolution to place stepping stones across Hillen street.

Resolution in regard to the Janitor of the Orphans' Court.

Resolution to improve Eastern Spring and Madison Square.

The following resolutions were presented to the Mayor on the 11th June ultimo:

Resolution directing the Water Engineer to have a new hydrant, with a ladle attached, placed at the fountain on Calvert street near Franklin.

Resolution appropriating two thousand dollars for the use of indigent widows, sewing women, &c.

Resolution placing ten thousand dollars, or so much thereof as may be necessary, at the disposal of the Mayor for certain purposes.

The following ordinance was presented to the Mayor on the 3rd instant:

An ordinance authorizing and directing the Register of the city of Baltimore to borrow money and pay the interest due on the Bonds or Certificates of Loan of the Northwestern Virginia Rail Road Company, guaranteed by the Mayor and City Council of Baltimore.

Wednesday, July 10th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members.

Mr. Myers presented the petition of Thomas A. Dunigan, Captain of the Ferry Boat Locust Point, asking protection against the interference with the business of the Ferry Company by batteaux and other small boats, which was referred to the joint standing committee on Highways.

Mr. Staylor presented the petition of the Board of Visitors of the Jail, asking to have a fire plug placed in the back yard, and two gas lamps in front of the main entrance to the Jail, within the yard, which was referred to the joint standing committee on Water.

Mr. Brown presented the petition of John C. J. Meyer, asking compensation for certain fire arms and other articles forcibly taken from his store on West Pratt street, and for other damage sustained on the 19th of April last, which was referred to the joint standing committee on Claims.

Mr. Blanchard presented the petition of George C. Penniman, Secretary and Treasurer of the American Telegraph Company, asking compensation for injury done to the telegraph line between Baltimore and Harrisburg on the 19th of April last, and for loss of business during a certain period, which was referred to the joint standing committee on Claims.

Mr. Drakeley presented the remonstrance of R. B. Dentry and others, against removing a pump on the east side of Pearl street, between Lexington and Fayette streets, which was referred to the joint standing committee on Water.

The President presented the petition of Elizabeth Buchanan and Patrick McLaughlin, asking the removal of the pile of bricks on Fayette street, between North and Calvert streets, which was referred to the joint standing committee on Health.

The following communication was received from the City Commissioners, and referred to the joint standing committee on City Property :

CITY COMMISSIONER'S OFFICE,

*Baltimore, July 10, 1861.**To the Honorable the President and Members**of the First Branch of the City Council of Baltimore :*

GENTLEMEN :—

The City Commissioners would most respectfully inform your Honorable Body that the appropriation (\$500) made by you for repairing the Marine Hospital Building has been expended by them, and they have already exceeded the amount by about four hundred dollars (\$400); but they would respectfully remind your Honorable Body that they have had no work done but what was absolutely necessary to be done for the safety of the building, and the comfort of its inmates. They would therefore most respectfully ask you to appropriate the amount necessary to make up the deficit required, to pay for such work and materials as have exceeded your former appropriation; and also a sufficient sum to finish what is now being done, as well as what will be required to paint the entire building (\$400); the total of which, according to the nearest estimate that we can make, would amount to the sum of eight hundred and fifty dollars, viz :

For Debt incurred.....	\$400.00
“ Painting, &c.....	450.00
	<hr/>
	\$850.00

With great respect, yours truly,

ROBT. S. BEETLEY, *Chairman,**City Commissioners.*

The following message was received from the Second Branch :

IN SECOND BRANCH,

*Baltimore, July 10th, 1861.**Gentlemen of the First Branch :*

We respectfully propose with your concurrence that when the Council adjourns this afternoon it stand adjourned until to-morrow afternoon at three o'clock, and that the same hour be fixed

as the time of meeting thereafter, until otherwise ordered by the two Branches.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Bouldin moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

The following communication was received from the City Commissioners and Port Wardens, and referred to the joint standing committee on the Harbor :

CITY COMMISSIONER'S OFFICE,

Baltimore, July 10th, 1861.

To the Honorable the President and Members

of the First Branch of the City Council of Baltimore :

GENTLEMEN :

In answer to your Resolution, 22d May, requesting the City Commissioners and Port Wardens to inform you of the probable cost of piling, and bracing, and placing the dock now occupied by the City, as a harbor for scows and other purposes, in a proper condition, to be competent to hold and retain the sediment from Jones' Falls and the Harbor, and to remove the piling, bracing, and logging on the easternmost side of said dock, they would most respectfully say to you that from the lowest reliable estimate submitted to them that it would cost five thousand, five hundred and fifty dollars.

Yours respectfully,

ROBERT S. BEETLEY, *Chairman,*
City Commissioners and Port Wardens.

Mr. Blanchard offered the following resolution, which was read and laid on the table :

Resolved by the Mayor and City Council of Baltimore, That the City Counsellor be and he is hereby authorized and directed to take such steps as may be necessary to enforce the claim of the City of Baltimore against the Baltimore and Ohio Railroad Company, growing out of the non-payment by said Company of the interest on \$1,500,000 of the Mortgage Bonds of the Northwestern Virginia Railroad Company, endorsed by the City of Baltimore.

And be it further resolved, That the City Counsellor be empowered, with the approbation of the Mayor, to refer to arbitrators any matters in controversy between the City of Baltimore and the Baltimore and Ohio Railroad Company.

On motion of Mr. Blanchard the rules were suspended to allow him to introduce an ordinance entitled "An ordinance authorizing the Register to use the credit of the City to the amount of uncollected taxes, not to exceed five hundred thousand dollars," which was read and laid on the table.

On motion of Mr. Blanchard the rules were suspended to allow him to introduce an ordinance entitled "An ordinance authorizing a further issue of Water stock," which was read and referred to the joint standing committee on Ways and Means.

On motion of Mr. Myers, the Branch adjourned until to-morrow afternoon, at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, July 11th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Bandel.

Mr. Myers presented the petition of Samuel C. Ayers, asking permission to extend a sign on a house on Block street, which was referred to the joint standing committee on Police and Jail.

The following communication was received from the City Counsellor, and referred to the joint standing committee on City Property :

To the Members of the City Council:

GENTLEMEN:

As City Counsellor, I have examined the title of that part of the Battery Square claimed and occupied by James Polk, Esq. There are several parties claiming this property, and it will be impossible for me to certify as between these parties which of them has such a clear title as would induce me to approve it.

Mr. Polk's title, connected with possession, seems to me to be the best, and, if forced to select between the titles, I would consider his the best. The title of the Messrs. Moales is a tax title, and if the circumstances reported to me are correct, their title cannot prevail. There are some other parties who might, under some circumstances, claim this property; but no such claim has been made, and probably never will be.

The title in this case depends not merely upon the records, but upon matters *in pais*, which can be shown only by proof of matters which transpired many years since, and about which it is necessarily now most difficult to obtain legal evidence.

The controversy about this property has been pending for many years, and no one has what I would call a marketable title, and hence all the claimants should unite in a Deed to the City, before I could approve the title.

It is proper that I should add that I believe a conveyance from Mr. Polk, with a guarantee on his part to protect the City from all claimants, would probably answer. He is in possession, and *prima facie* has a title.

I do not consider myself authorised to incur any risk in behalf of the City, and the Mayor and City Council alone can incur the risk of taking a doubtful title before actual decision by the Courts.

GEO. M. GILL,

City Counsellor.

The Second Branch returned the resolution discharging the joint standing committee on Claims from the further consideration of the claims of Charles Myers and William Ortwine, endorsed "concurring in."

Mr. Blanchard called up the resolution authorizing the City Counsellor to take such steps as may be necessary to enforce the claim of the City of Baltimore against the Baltimore and Ohio Railroad Company, growing out of the non-payment by said Company of the interest on \$1,500,000 of the Mortgage Bonds of the Northwestern Virginia Railroad Company, endorsed by

the city of Baltimore, and empowering him further, with the approbation of the Mayor, to refer to arbitrators any matters in controversy between the City of Baltimore and the Baltimore & Ohio Railroad Company, which was read and adopted.

Mr. Blanchard called up the ordinance entitled "An ordinance authorizing the Register to use the credit of the city to the amount of uncollected taxes, not to exceed five hundred thousand dollars," which was read.

Mr. Nicholas moved that the ordinance be referred to the joint standing committee on Ways and Means, which was determined in the negative.

The question recurring on the passage of the ordinance, the same was passed.

The following communication was received from the Mayor :

MAYOR'S MESSAGE.

To the Honorable the Members of the

First and Second Branches of the City Council :

GENTLEMEN :

A great object of the Reform movement was to separate municipal affairs entirely from national politics, and in accordance with this principle, I have heretofore, in all my communications to the City Council, carefully refrained from any allusion to national affairs. I shall not now depart from this rule further than is rendered absolutely necessary by the unprecedented condition of things at present existing in this city.

On the 19th of April last an attack was made by a mob in the streets of Baltimore on several companies of a regiment of Massachusetts troops, who were on their way to the city of Washington in pursuance of a call for 75,000 men made by the President of the United States.

On the day previous, troops had been safely passed through the city under the escort of the police. In the afternoon of the same day (18th,) the regiments from Massachusetts were expected, and provision was made by the police for their reception, but they did not arrive, and the Board of Police could not ascertain when they would come, although two of the members of the Board went in person to the station of the Philadelphia Railroad Company to obtain the necessary information. On the morning of the 19th, about ten o'clock, I was at my law

office engaged in the performance of professional business, when three members of the City Council came to me with a message from Marshal Kane to the effect that he had just learned that the troops were about to arrive, and that he apprehended some disturbance. I immediately hastened to the office of the Board of Police and gave notice. George M. Gill, Esq., Counsellor of the city, and myself, got into a carriage and drove rapidly to the Camden station, and the Police Commissioners followed without delay. On reaching Camden station we found Marshal Kane in attendance and the police coming in squads to the spot. The plan of the agents of the Railroad Companies was that the troops which were to arrive in the cars at the President street station, should in the same way be conveyed through the city, and be transferred to the cars for Washington at the Camden street station. Accordingly the police were requested by the agent of the road to be in attendance at the latter station. After considerable delay, the troops began to arrive and were transferred under the direction of the police to the Washington cars as rapidly as possible. There was a good deal of excitement, and a large and angry crowd assembled, but the transfer was safely effected. No one could tell whether more troops were expected or not. At this time an alarm was given that a mob was about to tear up the rails in advance of the train on the Washington road, and Marshal Kane ordered some of his men to go out the road as far as the Relay House, if necessary, to protect the track. Soon afterwards, and when I was about to leave the station, supposing all danger to be over, news was brought to Commissioner Davis and myself, who were standing together, that other troops were left at the President street station, and that the mob was tearing up the track on Pratt street. Mr. Davis immediately ran to summon a body of police to be sent to Pratt street, while I hastened alone down Pratt street, towards President street station. On arriving at the head of Smith's wharf I found that anchors had been piled on the track, so as to obstruct it, and Sergeant McComas, and a few policemen who were with him, were not allowed by the mob to remove the obstruction. I at once ordered the anchors to be removed, and my authority was not resisted. On approaching Pratt street bridge I saw several companies of Massachusetts troops, who had left the cars, moving in column rapidly towards me. An attack on them had begun, and the noise and excitement were great. I ran at once to the head of the column—some persons in the crowd shouting as I approached, "Here comes the Mayor." I shook hands with the officer in command, saying as I did so, I am the Mayor of Baltimore. I then placed myself by his side and marched with him, as far as the head of

Light street wharf, doing what I could by my presence and personal efforts to allay the tumult. The mob grew bolder, and the attack became more violent. Various persons were killed and wounded on both sides. The troops had sometime previously begun to fire in self-defence; and the firing as the attack increased in violence, became more general.

At last when I found that my presence was of no use, either in preventing the contest or saving life, I left the head of the column, but immediately after I did so Marshal Kane, with about fifty policemen from the direction of the Camden station, rushed to the rear of the troops, forming a line across the street, and with drawn revolvers checking and keeping off the mob.—The movement, which I saw myself, was perfectly successful, and gallantly performed. I submit herewith Marshal Kane's account of the affair, published on the 4th of May last, which substantially agrees with my own.

It is doing bare justice to say that the Board of Police, the Marshal of Police, and the men under his command, exerted themselves bravely, efficiently, skillfully and in good faith to preserve the peace and protect life. If proper notice had been given of the arrival of the troops, and of the number expected, the outbreak might have been prevented entirely, and but for the timely arrival of Marshal Kane with his force as I have described, the bloodshed would have been great. The wounded among the troops received the best care and medical attention at the expense of the city, and the bodies of the killed were carefully and respectfully returned to their friends. The facts which I witnessed myself, and all that I have since heard, satisfy me that the attack was the result of a sudden impulse, and not of a premeditated scheme.

But the effect on our citizens was, for a time, uncontrollable. In the intense excitement which ensued, which lasted for many days, and which was shared by men of all parties, and by our volunteer soldiers, as well as citizens, it would have been impossible to convey more troops from the North through the city without a severe fight and bloodshed. Such an occurrence would have been fatal to the city, and accordingly, to prevent it, the bridges on the Northern Central Railroad, and on the Philadelphia, Wilmington and Baltimore Railroad, were, with the consent of the Governor, and by my order, with the co-operation of the Board of Police, (except Mr. Chas. D. Hinks, who was absent from the city,) partially disabled and burned, so as to prevent the immediate approach of troops to the city, but with no purpose of hostility to the Federal Government. This act, with the motive which prompted it, has been reported by the Board of Police to the Legislature of the State and approved

by that body and was also immediately communicated by me, in person, to the President of the United States and his Cabinet. I inclose a copy of the report made by the Board of Police to the Legislature on the third of May last. On the evening of 19th of April, a portion of the military of the city were called out. On the 20th of April your honorable body by an unanimous vote, placed at my disposal the sum of \$500,000 for the defence of the city, and the banks, with great patriotism and unanimity, voluntarily offered to advance the money through a committee of their Presidents, consisting of Messrs Columbus O'Donnell, Johns Hopkins, and John Clark who notified me, in person, of the fact on the morning of the 20th of April at the Mayor's office. A number of citizens, in all the wards, volunteered for the purpose of defence, and were enrolled under the direction of the Board of Police; and for their use arms were partially provided. The Commander in Chief of the forces of the United States, with the approbation of the President, in view of the condition of affairs then existing in the city, on the earnest application of the Governor of the State, of prominent citizens and myself, ordered that thereafter the troops should not be brought through Baltimore, and they were accordingly transported to Washington by way of Annapolis.

But great danger existed to Baltimore from large bodies of unauthorized men at the North, who threatened to cut their way through the city, and visit upon it terrible vengeance for the acts of the 19th of April.

As soon as this danger had passed away, and the excitement among our own citizens had sufficiently subsided, the military were dismissed, and the citizens who enrolled were disbanded by order of the Board of Police. The peace of the city had been preserved, and its safety and the persons and property of men, of all parties, protected under the circumstances of great peril, and the most intense excitement, and it was hoped that affairs would be allowed to return as nearly as possible to their previous condition. To this end my efforts, and those of the Board were devoted. Large bodies of troops from the North have ever since passed through the city without molestation, and every proper precaution to accomplish that object was taken by the Board of Police and carried out by the force.

But civil war had begun on the immediate border of our State. A great division of opinion in regard to it existed among the people, and the events which had occurred in the city, and their consequences, seem to have made an indelible impression on the minds of the authorities at Washington, that the police force of the City of Baltimore was prepared to engage in hostility against the General Government whenever an opportunity should occur.

The result has been very unfortunate. On the ground of military necessity, of the existence of which, and of the measures required of it, the Federal officers claim to be the sole judges, our city has been occupied by large bodies of troops in its central points; picket guards have been stationed along many of our streets; the arms provided by the city for its defense and those left by private individuals with the authorities for safe-keeping, the station-houses and other property of the city have been seized, operators in the Police and Fire Alarm Telegraph Office have been displaced and others substituted in their stead; the Marshal of Police and Board of Police, with the exception of myself, have been arrested and are now imprisoned in Fort McHenry. One only, who is in bad health, has been released on his parole; the writ of *habeas corpus* has been suspended; the police force, established under a law of the State, has been set aside by superseding the only power which could lawfully control it; a new police, without authority of law, has been established under the control of a Marshal appointed by the commanding General, and all power to hold elections in the city has been for the present set aside by suspending the functions of the Board under which alone elections can lawfully be held.

The grounds taken by Major General Banks as a justification for these proceedings, and the position assumed by the Board of Police, respectively, will be found in the proclamations of the General and the protest of the Board, which I enclose.

The hidden deposits of arms and ammunition referred to in the proclamation of June 27th, are, I suppose, those found in the City Hall, in reference to which a few words of explanation may be made. The arms consisted in part of muskets, which belonged to the old police established under the administration of Mr. Swann; of revolvers procured for the police, and of some rifles, carbines, &c., lately procured in part for the use of the police and in part for the defense of the city. The Board of Police considered it proper that there should be a sufficient number of efficient weapons to arm the entire police force in case of an emergency. There were not enough at the City Hall for that purpose. An allegation has been made that some of the arms and ammunition belonged to the Massachusetts troops; but I am informed that this is not the case, except perhaps as to two muskets which were taken by the police from the hands of the mob. The ammunition at the Hall which was purchased for the defence of the city, was more than was entirely safe.—Of this I was well aware, and should have ordered it to be removed if the city had had any proper place of deposit; but I apprehended that any attempt to removal at this time would only lead to a seizure on the part of the officers of the General Government, and to unfounded rumors and suspicions; for all

the rest of the arms and ammunition belonging to the city, and all the arms left with the city authorities for safe keeping, which were placed in depositories procured expressly for the purpose, and no way concealed, had been previously seized by the authorities of the United States under circumstances very mortifying to the pride of the people. That some of the arms and ammunition were concealed about the building is sufficiently explained by the fact that the officers in charge desired to secure them from seizure, but such concealment was made without my knowledge.

The proclamation charges the existence of unlawful combinations of men organized for the resistance to the laws; for accumulating hidden deposits of arms, and encouraging contraband trade.

Although I am only ex-officio member of the Board, and by reason of other engagements not able to be present at all their meetings, yet, from the free and full interchange of views among us, and the custom of the members to consult me on all important questions, and my knowledge of all their proceedings, I feel that I have a right to say, of my own personal knowledge that the Board had no notice or information of any such combinations, if any such existed, which I have no reason to suspect.

Indeed, my experience of the fidelity of the Board to its legal obligations during my whole official connection with it, and the common understanding between myself and my colleagues as to our course of duty since the present troubles began, justify me in saying that if any organizations in this city for resistance to the laws could have been discovered by proper vigilance, they would have been found out and suppressed, to the extent of the powers conferred on the Board by law.

After the Board of Police had been superseded and its members arrested by the order of Gen. Banks, I proposed, in order to relieve the serious complication which had arisen, to proceed as the only member left free to act, to exercise the power of the Board as far as an individual member could do so. Marshal Kane, while he objected to the propriety of this course, was prepared to place his resignation in my hands whenever I should request it, and the majority of the Board interposed no objection to my pursuing such course as I might deem it right and proper to adopt in view of the existing circumstances, and upon my own responsibility, until the Board should be enabled to resume the exercise of its functions.

If this arrangement could have been effected, it would have continued in the exercise of their duties the police force which is lawfully enrolled, and which has won the confidence and applause of all good citizens by its fidelity and impartiality at all times and under all circumstances. But the arrangement was not satisfactory to the federal authorities.

I mention these facts with profound sorrow and with no purpose whatever of increasing the difficulties unfortunately existing in this city, but because it is your right to be acquainted with the true condition of affairs, and because I cannot help entertaining the hope that redress will yet be afforded by the authorities of the United States upon a proper representation made by you. I am entirely satisfied that the suspicion entertained of any meditated hostility on the part of the city authorities against the General Government is wholly unfounded, and with the best means of knowledge express the confident belief and conviction that there is no organization of any kind among the people for such a purpose. I have no doubt that the officers of the United States have acted on information which they deemed reliable, obtained from our own citizens, some of whom may be deluded by their fears, while others are actuated by baser motives; but suspicions thus derived, can, in my judgment, form no sufficient justification for what I deem to be grave and alarming violations of the rights of individual citizens of the city of Baltimore and of the State of Maryland.

As the men of the police force through no fault of theirs are now prevented from discharging their duty, their pay constitutes a legal claim on the city, from which, in my opinion, it cannot be relieved.

The new force which has been enrolled is in direct violation of the law of the State, and no money can be appropriated by the city for its support without incurring the heavy penalties provided by the Act of Assembly.

Officers in the Fire Alarm and Police Telegraph Department, who are appointed by the Mayor and City Council, and not by the Board of Police, have been discharged, and others have been substituted in their place.

Very respectfully,

GEO. WM. BROWN, *Mayor*

REPORT OF MARSHAL KANE TO THE BOARD OF POLICE COMMISSIONERS.

An Official Narrative of the Facts in Relation to the Occurrences which took Place in this City on Friday, April 19, 1861.

POLICE DEPARTMENT, OFFICE OF THE MARSHAL, }
Baltimore, May 3, 1861. }

Chas. Howard, Esq., President of the Board of Police:

SIR:—The columns of the *Baltimore American* of this date contain an assault upon my official conduct as commanding officer of the police force of this city, in connection with the occur-

rences of the 19th of April last, which seems to require some notice, in order that the facts of the case may be duly registered on the journals of your office.

With that view I have the honor to invite your attention to the fact that on the forenoon of Thursday, the 18th of April, I was directed by the Police Board to furnish escort to two bodies of federal troops which were expected on that day by the Northern Central road, at 1 o'clock, and by the Wilmington and Philadelphia road at 4 o'clock, respectively, and to see that they were passed safely through our city. Subsequently on the same day, information was communicated to me that the Philadelphia company, fearing that the passage of these troops would create excitement, were maturing arrangements to pass them across our harbor from Canton to Locust Point thus avoiding the streets of our city. It will be seen, however, that this arrangement was not consummated.

At one o'clock, A. M., I was on the ground at the outer depot of the Northern Central Road, and took command of the force which had been detailed to that point. I was accompanied to the depot by his Honor Mayor Brown, who seemed deeply anxious that our laws should be respected and enforced. The Mayor, however, was called away by message from the Governor to meet in consultation at the moment when the train arrived. It is enough to say, however, that the troops were safely escorted to Mount Clare depot and departed for Washington, having experienced no more annoyance than might have been expected, as doubtless the officers of the regular troops, who accompanied the detachment, will readily testify.

My force was kept under arms until a late hour, waiting the arrival of the detachment expected from Philadelphia, but it was finally ascertained from the railroad agent that the troops had not even started, nor did they know when they would start from Philadelphia, when the police force was dismissed, with orders to remain ready for instant call. I heard nothing more of these troops until twenty minutes past eight o'clock on the next (Friday) morning, at which time I was met on the street by one of my men with a dispatch from the Southern police-station, signed by Mr. Commissioner Davis, informing me that the troops from Philadelphia would arrive at the Camden street (Washington) Depot within thirty minutes; that the cars containing them would not stop at the Philadelphia depot, but go directly to the Washington depot, *to which place I was requested, by the railroad authorities, to send a police force.*

I at once telegraphed to the several stations and within the thirty minutes I was on the ground at the Camden station with an ample force, but was then told that the troops were just crossing the Susquehanna river, and would not arrive for some time.

With the view to keep down the excitement I sent the police

force from the depot to a neighboring police station to await the trains coming, and also sent for his Honor, the Mayor, who soon appeared, accompanied by the Board of Police.

The cars arrived, and very soon an immense throng of people were congregated, but by the firmness of the police the troops were all shifted from the Philadelphia to the Washington cars without any collision with our people having occurred, and the excitement partially subsided. After waiting some considerable time for the train to start, and not being made aware that any more Philadelphia cars were expected, I inquired of some of the railroad agents present the cause of the delay, and was informed that obstructions had been placed on the Washington track in advance of the train. I at once sent a detachment of police under determined and reliable officers to guard the track outside of the city, and to see that the trains were protected to the Relay House (a distance of nine miles) if necessary.

After waiting a long additional time, and having made repeated inquiries as to the cause of the continued delay in starting the train. I was for the first time informed that other troops were expected at that station; and at the same moment learned that a riot had commenced in Pratt street.

I promptly devolved the command at the Camden station upon Deputy Marshal Gifford, and started for the scene of riot with a detachment of my men, and met the Massachusetts soldiery on Pratt street near Light street, (his Honor Mayor Brown being with them,) hastening towards the Washington depot, pursued by an enraged multitude. I opened my ranks, through which they passed, and closed in their rear; formed my men across the street; directed them to draw their revolvers and to shoot down any man who dared to break their line. It is enough for me to say that these orders were faithfully executed; my men did their duty, and the Massachusetts troops were rescued.

From that time the missiles intended for the troops were encountered by your own police force. The tumult being thus subdued, no attack being subsequently made upon the military, I marched my men back to the Camden station, saw the train safely depart for Washington; learned from the railroad officers that the troops had all departed, and that the services of my command were no longer required. I dismissed the detachment to their several stations, except those of the Second district, which I ordered to be posted for the protection of parties on Baltimore street, against whom there seemed to be an intense excitement; the editors of the *American* and *Clipper* being regarded as particularly obnoxious and loudly threatened.

On the way to my office I learned from Mr. Richard Norris, Jr., that there were other troops at the Philadelphia depot, and accompanied by that gentleman I hurried in a carriage to that

place, and there found several car loads of troops, mostly, if not all, without uniforms. Some of these troops commenced jumping from the train just as I got there, and were immediately set upon by an infuriated populace. I fought hard for their protection; at first almost alone, but soon had the assistance of a part of my force, who hurried from the neighboring beats, and had the gratification of seeing all but those who took shelter in neighboring houses, put on another train, and under escort of police, accompanied by myself, sent safely out of the city on their return to Philadelphia. The earnest expressions of gratitude which I received from the persons thus rescued, left on my mind the conviction that I had done my duty.

On this occasion I was ably assisted by Deputy Marshal Gifford and by some noble hearted and fearless citizens, but feel bound to say that I did not recognize as thus engaged one single individual of those now actively employed in defaming the city and its authorities.

It may be proper to state, that up to this time I did not know anything of the origin of the recontre, nor the extent of the killed and wounded, but only know that our whole city seemed filled with horror at the knowledge that peaceful and respected citizens had been shot on our public streets.

From this time till a late hour of the night my office was beset by those anxious to ascertain the truth of rumors that a renewal of the difficulties was likely to occur. Near midnight I received from Wm. Prescott Smith, Esq., the Master of Transportation of the Washington and Baltimore and Ohio Railroad, information that he had received a dispatch from President Thompson, of the Pennsylvania road, "that it was impossible to prevent these troops from going through Baltimore; the Union men must be aroused to resist the mob."

I felt it my duty to communicate this information to his Honor, Mayor Brown, and went to his house for that purpose, and made the statement to him. He deemed it all important to confer with his Excellency, Governor Hicks, and visited him in his chamber.

The Governor then sent for me, and in company with the Mayor I went to his chamber, and the condition of the city, the dangers of a sanguinary conflict in the event of troops coming to it whilst the public mind was so highly inflamed, being fully discussed, the Governor deemed it proper, and agreed with Mayor Brown and myself that the bridges on the roads by which troops would likely come, should be destroyed, as the only means of impeding them and avoiding the threatened conflict, and the Mayor and Board of Police then issued the order to that effect.

It was in the midst of this excitement, whilst our entire community was laboring under the most intense apprehension; the volunteers, militia, and large numbers of our citizens being under arms, under the apprehension of a collision, and with the knowledge that the great mass of our citizens looked to myself as the immediate commanding officer (under the Board) of Armed Police for the best protection, which, under such circumstances, could be afforded, in reply to a despatch from Bradley Johnson, Esq.,—now, or lately the State's Attorney for Frederick county—offering the services of a body of patriotic citizens of that gallant county, who, true to the instinct of every son of Maryland, were ready to come, as did their sires in 1814, to defend the homes of their friends in Baltimore. I used the language of the despatch which is made the pretext for the disgraceful and libellous assault referred to.

What the condition of Baltimore city would be at this time had I failed to execute the order to destroy the bridges referred to, by which the troops were arrested at Cockeysville on the morning of Sunday, the 21st of April, instead of coming to the city, is too horrible to contemplate, and can better be imagined than described.

The strictures in regard to the action of the police in removing flags which were being raised, as it is well known, not from any patriotic motives, but for the sole purpose of exciting riot and disorder, are too absurd to require extended notice.

I have the conviction that I have faithfully discharged the duties of the office of Marshal of Police during the extraordinary excitement which has pervaded this community, probably beyond anything of the kind in its previous history, and that the force under my command has been successful in protecting the persons and property of people of the most intensely obnoxious character to another portion of our community from the slightest violence or injury. I feel that I can well afford to endure assaults, coming from such sources.

It may be proper in this connection to refer to the insinuation so broadly conveyed of complicity on the part of the police in appropriating property of the Federal Government to improper uses. The charge is untrue. It was taken into the custody of the police solely for the purpose of preserving it—of which proper notice was given to the authorities of the United States government, in Washington and in this city.

Yours, very respectfully,

GEO. P. KANE, *Marshal*.

STATEMENT OF RICHARD NORRIS, JR., ESQ.

In reply to your inquiry, I beg leave to state that, on Friday,

the 19th of April, I accompanied Col. Kane, in a carriage, to the President street depot. When we arrived there, as well as I recollect, there were about fourteen cars filled with troops, intended to be passed through Baltimore. They were mostly unarmed, and were being attacked by large numbers of the people congregated there. Marshal Kane made every possible effort to protect the troops—caught hold of many of the assailants, drove them back, and prevented them from continuing their attacks; addressed others, declaring they were bringing disgrace on the city by assailing unarmed men. His whole conduct was perfectly fearless.

It is my sincere belief that but for the manly and energetic course pursued by him, many lives would have been lost in the President street station. Words cannot convey my impression of the bravery he exhibited on that occasion, or of the security he afforded the troops. When I arrived at the depot, I feared there would be a great loss of life; but, so far as I have heard, all escaped in safety.

R. NORRIS, JR.

To the Board of Police.

REPORT OF THE BOARD OF POLICE.

To the Honorable, the General Assembly of Maryland:

The Board of Police of the City of Baltimore, created and appointed by your Honorable Body by the provisions of the 4th Article of the Code of Public Local Laws, sections 806, &c., deem it their duty respectfully to report,

That the said Board was duly organized, and entered upon the discharge of their duties. For full information respecting all their proceedings to the 1st of January, 1861 they respectfully ask leave to submit to your Honorable Body, as of this report, the accompanying copy of a report, made by the Board, in pursuance of the 821st section of the Article of the Code above mentioned, to the Mayor and City Council in January last. It should have been stated in said last mentioned report, that the Board had likewise performed the duties imposed upon them in reference to elections by sections 199, &c., of the same article of the Code. The city had been divided into election precincts, Judges and Clerks of Elections appointed, and all the duties of the Board with regard to holding elections had been performed. An election was held in the city on the 10th day of October, 1860, for a Mayor and for members of both branches of the City Council of Baltimore, and another was held on the 6th day of November following, for electors of President and Vice President of the United States. The Board have great satisfaction in stating, that on both those days the utmost quiet and good

order was preserved throughout the city, that none of the polls were in any manner obstructed, and that not a single complaint was either then, or has subsequently, been made, that any person desiring to vote was, at either election, impeded or hindered in presenting himself before the judges and voting with perfect freedom for whomsoever he thought proper, if the judges found him to be a legal voter.

The Board continued from the date of their above report to exercise their regular functions until Friday, the 19th April. On that day a large detachment of, it is understood about 800 men of the Massachusetts and Pennsylvania Militia arrived in the forenoon in the city, via the Philadelphia, Wilmington and Baltimore Railroad. No member of the Board of Police had any information that these troops were expected on that day, until from half an hour to one hour of the time at which they were to arrive. The Marshal of Police was immediately notified, and called out at once a large portion of his force to preserve order during their transit through the city. When they arrived, there were manifestations of a disposition to interfere with their passage, and after some had been transported by cars through the streets to the Washington Depot, obstructions were placed on the track in the city, which stopped the progress of the remainder, these alighted, to march to the depot, and to prevent any difficulty the Mayor placed himself at their head, and they thus proceeded, on their route. Missiles were notwithstanding thrown at the troops, and some of them were injured, their assailants were fired upon, and in some instances, with fatal effect. An intense and irrepressible feeling appeared to be at once aroused, and repeated conflicts between parties of citizens and the Massachusetts troops took place, several being killed on both sides. The Marshal who had been on active duty at the Camden Street Depot, and did not know that these troops were on their route or expected, hearing of this, hastened to meet them with a force of the Police, and under their escort they reached the Washington Depot, and after some delay, the train finally started for Washington; attempts were made to hinder it, by placing obstructions on the track of the Rail Road, but by the interference of the police these were soon removed.

The city authorities were meanwhile informed that there had been another arrival of military, who were then at the Philadelphia depot. The Marshal of Police hastened to that point, and as it was impossible for them at that time to be taken through the streets, without a general and bloody conflict, he protected them with a party of his police, until they were sent back by the Railroad Company in the cars to Havre

de Grace. During the afternoon and night a large number of stragglers from some of the above detachments of troops sought the aid and protection of the police; they were safely cared for at the several station houses, and were sent off in security, by the earliest opportunity to Havre de Grace or Philadelphia in the cars.

The same night the Board had a meeting, when the opinion was unanimously expressed, that it was utterly impossible from the state of the public mind, that any more forces from other States could, by any probability, then pass through the city to Washington, without a fierce and bloody conflict at every step of their progress, and that whatever might be the result, great loss of life, and imminent danger to the safety of the city, would necessarily ensue. The Board were equally unanimous in their judgment that as good citizens, it was their duty to the city and the State of Maryland, to adopt any measures whatsoever, that might be necessary at such a juncture to prevent the immediate arrival in the city of further bodies of troops, from the Eastern or Northern States, though the object of the latter might be solely to pass through the city. It was suggested that the most feasible, if not the most practicable mode, of thus stopping for a time, the approach of such troops, would be to obstruct the Philadelphia, Wilmington and Baltimore and the Northern Central Railroads, by disabling some of the bridges on both roads. His Honor the Mayor stated to the Board, that his Excellency the Governor, with whom he had a few minutes before been in consultation in the presence of several citizens concurred in these views, they were likewise those of the Board, and instructions were given for carrying them into effect. This was accordingly done. The injury thus done on the railroads amounted to but a few thousand dollars on each; subsequently as has been stated, further and greater damage was done to other structures on the roads by parties in the country or others, but this was without the sanction or authority of the Board, and they have no accurate information on the subject. The absolute necessity of the measures thus determined upon by the Governor, Mayor and Police Board, is fully illustrated by the fact, that early on Sunday morning, reliable information reached the city, of the presence of a large body of Pennsylvania troops amounting to about twenty-four hundred men, had reached Ashland near Cockeysville, by the way of the Northern Central Rail Road, and were stopped in their progress towards Baltimore, by the partial destruction of the Ashland Bridge. Every intelligent citizen at all acquainted with the state of feeling then existing, must be satisfied, that if these troops had at-

tempted to march through the city, an immense loss of life would have ensued, in the conflict which would necessarily have taken place. The bitter feelings already engendered, would have been intensely increased by such a conflict; all attempts at conciliation would have been vain, and terrible destruction would have been the consequence, if as is certain, other bodies of troops had insisted upon forcing their way through the city.

The tone of the whole of the Northern press, and of the mass of the population, was violent in the extreme. IncurSIONS upon our city were daily threatened, not only by troops in the service of the Federal Government, but by the vilest and most reckless desperadoes, acting independently, and, as they threatened, in despite of the Government, backed by well known influential citizens, and sworn to the commission of all kinds of excesses. In short every possible effort was made to alarm this community. In this condition of things, the Board felt it to be their solemn duty to continue the organization which had already been commenced, for the purpose of assuring the people of Baltimore that no effort would be spared to protect all within its borders to the full extent of their ability. All the means employed were devoted to this end, and with no view of producing a collision with the General Government, which the Board were particularly anxious to avoid, and an arrangement was happily effected by the Mayor with the General Government that no troops should be passed through the city. As an evidence of the determination of the Board to prevent such collision, a sufficient guard was sent in the neighborhood of Fort McHenry several nights, to arrest all parties who might be engaged in a threatened attack upon it, and a steam-tug was employed, properly manned, to prevent any hostile demonstration upon the receiving-ship Alleghany, lying at anchor in the harbor, of all which the United States officers in command were duly notified.

Property of various descriptions, belonging to the Government and individuals, was taken possession of by the Police force, with a view to its security. The best care has been taken of it. Every effort has been made to discover the rightful owners, and a portion of it has already been forwarded to order; arrangements have been made with the Government agents satisfactory to them, for the portion belonging to it, and the balance is held subject to the order of its owners.

Amidst all the excitement and confusion which have since prevailed, the Board take great pleasure in stating that the good order and peace of the city have been preserved to an extraordinary degree. Indeed, to judge from the accounts given

by the press of other cities, of what has been the state of things in their own communities, Baltimore, during the whole of the past week, and up to this date, will compare favorably, as to the protection which persons and property have enjoyed, with any other large city in the United States.

All which is respectfully submitted.

By order of the Board,

CHARLES HOWARD,

President.

OFFICE BOARD OF POLICE, }
BALTIMORE, May 3d, 1861. }

HEADQUARTERS, DEPARTMENT OF ANNAPOLIS, }
June 27, 1861. }

To Col. Kenly, Commanding First Regiment, M. V.:

SIR:—By virtue of instructions received from the Department of War at Washington, dated June 24th, 1861, I do hereby appoint you Provost Marshal in and for the City of Baltimore.—You will enter upon your duties forthwith, at the Headquarters of Police for the city, and notifying His Honor, the Mayor, of your appointment, by reading to him this order, and the proclamation enclosed herewith, you will proceed at once, with the assistance of the subordinate officers of the Police Department, to superintend, and cause to be executed, the Police law provided by the Legislature of Maryland “for the government of the City of Baltimore.”

I am very respectfully, yours, &c.

N. P. BANKS, Major General,

Commanding Department of Annapolis.

After consultation, the Board of Police Commissioners declined to recognize the authority of Gen. Banks to supersede them, but they would make no resistance to his authority. Col. Kenly proceeded to the Marshal's office, which he took possession of and summoned the captains of police to report to him immediately. He then issued the following order:

SPECIAL ORDERS No. 1.

OFFICE PROVOST MARSHAL, }
BALTIMORE, June 27, 1861. }

To the Officers and Men of the Police force of Baltimore:

By order of Major General Banks, Commanding the Department of Annapolis, I assume and take command of the Police force of the City of Baltimore, to superintend and, with the aid

of the subordinate officers of the Police Department, to execute and cause to be executed the Police law provided by the Legislature of Maryland "for the Government of the City of Baltimore."

You will continue to discharge your duties under existing regulations until further orders.

By order, JOHN R. KENLY.
Col. First Maryland Regiment,
Provost Marshal of Baltimore.

ACTION OF THE BOARD OF POLICE.

The Board of Police instructed Deputy Marshal Gifford to continue on duty until he received further orders, and he issued the following order :

BALTIMORE, 27th June, 1861.

To the different Stations :

The police force will continue in the discharge of their duty as heretofore. No military force is intended to take the place of the present force, without necessity calls for it.

(Signed)

THOMAS GIFFORD,
Deputy Marshal.

The Board of Police Commissioners were in session all the morning up to ten o'clock, when they determined to disband the force until condition of things would permit the exercise of their authority. The following are the proceedings of the Board :

Col. John R. Kenly, accompanied by his Adjutant, appeared before the Board, and read to them an order from Major General Banks, United States Army, appointing him Provost Marshal of the city, and directing him to take control of all the subordinate officers and men of the police force. He also read to the Board and left with them a copy of the following proclamation issued by General Banks :

HEADQUARTERS DEPARTMENT OF ANNAPOLIS, }
June 27th, 1861. }

By virtue of authority vested in me, and in obedience to orders, as Commanding-General of the Military Department of Annapolis, I have arrested, and do now detain in custody, Mr. George P. Kane, Chief of Police of the city of Baltimore. I deem it proper at this, the moment of arrest, to make formal and public declaration of the motive by which I have been governed in this proceeding. It is not my purpose neither is it in consonance with my instructions, to interfere in manner whatever with the legitimate government of the people of Baltimore or Maryland. I desire to support the public authorities in all appropriate duties ; in preserving peace, protecting property and the rights of persons, in obeying and upholding every muni-

cipal regulation and public statute, consistent with the Constitution and laws of the United States of Maryland. But unlawful combinations of men, organized for resistance to such laws, that provide hidden deposits of arms and ammunition, encourage contraband traffic with men at war with the Government, and while enjoying its protection and privileges, stealthily wait opportunity to combine their means and forces with those in rebellion against its authority, are not among the recognized or legal rights of any class of men, and cannot be permitted under any form of government whatever. Such combinations are well known to exist in this department. The mass of citizens of Baltimore and of Maryland, loyal to the Constitution and the Union, are neither parties to nor responsible for them. But the Chief of Police is not only believed to be cognizant of these facts, but, in contravention of his duty, and in violation of law, he is, by direction or indirection, both witness and protector to the transactions and the parties engaged therein. Under such circumstances the Government cannot regard him otherwise than as the head of an armed force, hostile to its authority and acting in concert with its avowed enemies.

For this reason superseding his official authority and that of the Commissioners of Police, I have arrested and do now detain him in custody of the United States ; and in further pursuance of my instructions, I have appointed for the time being Colonel Kenly, of the First Regiment of Maryland Volunteers, Provost Marshal, in and for the city of Baltimore, "to superintend and cause to be executed, the Police laws, provided by the Legislature of Maryland," with the aid and assistance of the subordinate officers of the Police Department. And he will be respected accordingly. Whenever a loyal citizen shall be otherwise named for the performance of this duty, who will execute these laws impartially and in good faith to the Government of the United States, the military department will render to him that instant and willing obedience which is due from every good citizen to his Government.

NATH. P. BANKS,
Major-General Commanding Dep't of Annapolis.

Col. Kenly made a verbal request that the Board shall summon all the captains of police to meet him at the office of the Marshal. The President, in the name of the Board, informed Col. Kenly that the Board did not recognize the legality of the proceedings of Gen. Banks in the premises, and asked him to put in writing the request just made by him. He declined to do so, and withdrew the said request. He then announced his intention of proceeding immediately to the possession of the office of the Marshal.

By request of the Board, the President and the Mayor went to the Marshal's office, and instructed the Deputy Marshal to offer no obstructions to the action of Col. Kenly, and to take no steps until he should be advised of the views of the Board.

The whole subject having been maturely considered, the following preamble and resolutions were unanimously adopted, viz :

PREAMBLE AND RESOLUTIONS.

Whereas, The laws of the State of Maryland give the whole and exclusive control of the police force of the city to the Board of Police, organized and appointed by the General Assembly ; and not only are the said Board bound to exercise the powers in, and to discharge the duties imposed upon them, but all other persons are positively prohibited, under heavy penalties, from interfering with them in so doing ; and

Whereas, There is no power given to the Board to transfer the control over any portion of the police force to any person or persons whomsoever, other than the officers of police appointed by them, in pursuance of the express provisions of the law, and acting under their orders ; and

Whereas, By the order of Major General Banks, an officer of the United States Army, commanding in this city, the Marshal of Police has been arrested, the Board of Police superseded, and an officer of the army has been appointed Provost Marshal, and directed to assume the command and control of the police force of the city ; therefore, be it

Resolved, That this Board do solemnly protest against the orders and proceedings above referred to of Major General Banks, as an arbitrary exercise of military power, not warranted by any provision of the Constitution or Laws of the United States ; or of the State of Maryland, but in derogation of them both.

Resolved, That whilst the Board, yielding to the force of circumstances, will do nothing to increase the present excitement, or obstruct the execution of such measures as Major General Banks may deem proper to take on his own responsibility, for the preservation of the peace of the city, and of public order, this cannot, consistently with their views of official duty and of the obligations of their oaths of office, recognize the right of any of the officers and men of the Police force, as such, to receive orders or directions from any other authority than from this Board.

Resolved, That in the opinion of the Board, the forcible suspension of their functions, suspends at the same time the active operation of the Police law, and puts the officers and men off

duty for the present, leaving them subject, however, to the rules and regulations of the service as to their personal conduct and deportment, and to the orders which this Board may see fit hereafter to issue, when the present illegal suspension of their functions shall be removed.

CHARLES HOWARD, President.

WM. H. GATCHELL,

CHAS. D. HINKS,

JOHN W. DAVIS,

GEO. WM. BROWN, Mayor and

Ex-officio member of the Board.

PROCLAMATION OF GEN. BANKS.

HEADQUARTERS, DEP'T OF ANNAPOLIS, {
June 27th, 1861. }

To Colonel Kenly, Provost Marshal:

SIR—My attention has been called to a resolution purporting to have been this day passed by the late Board of Police Commissioners, expressing the opinion that “the suspension of their functions, suspended at the same time the operations of the Police Law and puts the officers and men off duty for the present.

You will take special notice, sir, that by my Proclamation of this day neither the law nor the officers appointed to execute the laws are effected in any manner whatever, except as it operates upon the members of the Board Commissioners and the Chief of Police, whose functions were and are suspended. Every part of the police law is to be enforced by you, except that which refers to the authority of the Commissioners and Chief of Police; and every officer and man, with exception of those persons above named, will be continued in service by you, in the positions they now occupy, and with the advantages they now receive, unless one or more shall refuse to discharge their duties.

If any police officer declines to perform his duty, in order to avoid the anarchy which it was the purpose of the Commissioners to bring upon the city, by incorrectly stating that it had been by my act deprived of its police protection, you will select, in conference with such of the public authorities as will aid you, good men and true to fill their places, and discharge their duties.

You will also take especial notice that no opinion, resolution, or other act of the late Board of Commissioners, can operate to limit the effective force of the police law, or to discharge any officer engaged in its execution. If any provision of the law fails to be executed, it will be from the choice of the city; and if any officer, except such as are herein named, leave the service, it will be upon his own decision.

You will cause these views to be made known as the rule of your conduct.

I repeat my declaration and my purpose: no intervention with the laws or government of the city whatever is intended, except to prevent secret, violent and treasonable combinations of disloyal men against the government of the United States.

I am, sir, very truly yours, &c.,

NATH. P. BANKS.

HEADQUARTERS, DEP'T OF ANNAPOLIS, }
Fort McHenry, July 1. }

In pursuance of orders issued from the Headquarters of the Army at Washington, for the preservation of the Public Peace in this Department, I have arrested and do now detain in custody of the United States, the late members of the Board of Police—Messrs Charles Howard, Wm. Gatchell, Charles Hinks, and John W. Davis. The incidents of the past week afforded full justification for this order. The Headquarters, under the charge of the Board, when abandoned by the officers, resembled in some respects a concealed arsenal. After public recognition and protest against the “suspension of their functions,” they continued their sessions daily. Upon a forced and unwarrantable construction of my Proclamation of the 28th ultimo, they declared that the police law was suspended, and the police officers and men put off duty to the present, intending to leave the city without any police protection whatever. They refused to recognize the officers or men necessarily selected by the Provost Marshal for its protection, and hold subject to their orders, now and hereafter, the old police force, a large body of armed men, for some purpose, not known to the Government, and inconsistent with its peace or security. To anticipate any intentions or orders on their part, I have placed temporarily a portion of the force under my command within the city. I disclaim on the part of the Government I represent, all desire intention and purpose to interfere in any manner whatever with the ordinary municipal affairs of the city of Baltimore. Whenever a loyal citizen can be named who will execute its police laws with impartiality and in good faith to the United States, the military force will be

withdrawn from the central parts of the municipality at once. No soldier will be permitted in the city, except under regulations satisfactory to the Marshal; and if any so admitted violate the municipal law, they shall be punished according to the civil law, by the civil tribunals.

NATH'L P. BANKS,

Major-General Commanding.

TO THE PEOPLE OF BALTIMORE.

HEADQUARTERS, DEPARTMENT OF ANNAPOLIS, }
July 10, 1861. }

By virtue of authority vested in me as commanding officer of this Department, I have appointed, and do hereby appoint George R. Dodge, Esq., of Baltimore, Marshal of Police, vice Col. John R. Kenly, who, being relieved of this service, at his own request, now assumes command of the 1st Regiment of Maryland Volunteers, on the upper Potomac, in the State of Maryland. I have made this appointment at the suggestion and upon the advice of very many influential and honorable citizens of Baltimore, representing its different sections, parties, and interests.

And in order that public opinion shall have proper influence, and the civil authority due weight in all municipal affairs, it is my desire and expectation that the Marshal will receive suggestion, advice, and direction from them and other loyal citizens, as from all other departments of the government of the city, and in all respects to administer every department of the Police Law in full freedom for the peace and prosperity of the city, and the honor and perpetuity of the United States.

N. P. BANKS,

Major General Commanding
of the Department of Annapolis.

HEADQUARTERS DEPARTMENT OF ANNAPOLIS, }
FORT McHENRY, July, 10, 1861 }

Special Order, No 1.—The regiments now stationed near the centre of the city of Baltimore will break up their camps at 3 o'clock P. M. to day, and resume the positions heretofore occupied by them in the suburban portions of the city, viz:

The 19th regiment Pennsylvania volunteers, Col. Lysle, near Fort McHenry.

The 18th regiment Pennsylvania volunteers, Col. Lewis, Federal Hill.

The 22d regiment Pennsylvania volunteers, Col. Morehead, Mount Clare Station.

The 20th regiment New York volunteers, Col. Pratt, Patterson Park.

The 13th regiment New York volunteers, Col. Smith, on West Baltimore street.

The 8th regiment Massachusetts volunteers, Col Hinks, on Baltimore street.

The battery of Light Artillery, Massachusetts volunteers, Major Cook, Mount Clare Station.

II. When re-established in quarters the commanding officers will not allow the men of their respective commands to visit the city without permission obtained for that purpose from the commanding officers of the company and regiments to which they are attached. When such permission is granted it will be for good cause, and those who receive it will be required to leave their arms in camp, to avoid controversy or collision with the citizens, and to carefully observe and obey the laws and ordinances of the city.

No soldier who violates the rule should be permitted to enjoy the same privilege a second time. Any soldier who violates the ordinances established for the government of the city, will be punished by the civil tribunals according to the laws of the State. The Commanding General enjoins upon all officers in command, in addition to the military instructions of the officers and men required of them, especial attention to the 73d paragraph of the Army Regulations, viz :

“All commanders ought to encourage useful occupations and manly exercises, and diversions among their men, and to repress dissipation and immorality.”

By order, of MAJOR-GENERAL BANKS,

ROBERT WILLIAMS, Ass't. Adj. General.

Mr. Blanchard moved that a message be sent to the Second Branch proposing, with their concurrence, the appointment of a joint special committee to whom the message of the Mayor, and accompanying documents, shall be referred, which was determined in the affirmative.

The President named Messrs. Blanchard, Nicholas and Drakeley as the committee on the part of this Branch.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, July 11, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition for the appointment of a joint special committee on the communication from the Mayor, and accompanying documents, in relation to certain recent events in this city, and have appointed Messrs. Dean, Alricks and Higgins as the committee on the part of this Branch.

By order,

ALLEN E. FORRESTER, *Clerk.*

On motion of Mr. Dixon, the Branch adjourned until to-morrow afternoon at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Friday, July 12th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members except Messrs. Bolgiano and Nicholas.

Mr. Myers presented the petition of Edward S. Lamdin, asking permission to enlarge the frame summer kitchen attached to the house on the Northwest corner of Bank street and Broadway, which was referred to the joint standing committee on the Fire Department.

Mr. Staylor presented the petition of Jacob Green, asking compensation for damage sustained by the falling of a certain

portion of the wall on Jones' Falls, and that the same be rebuilt, which was referred to the joint standing committee on Claims.

Mr. Staylor presented the petition of Messrs. M. J. & W. A. Brown, asking permission to erect a shed in the rear of their store, on the corner of Pratt and Concord streets, for the storage of fertilizers, &c., which was referred to the joint standing committee on the Fire Department.

Mr. Drakeley presented the petition of Messrs. Thomas & Boggs, asking permission to place a small steam engine and boiler in one of their back buildings in the rear of the warehouses, Nos. 452 and 454 West Baltimore street, which was referred to the joint standing committee on the Fire Department.

Mr. Thomas presented the claim of W. P. Wright for compensation for damage done his property on the night of the 20th of April last, which was referred to the joint standing committee on Claims.

The following communication was received from the Register of the City, and referred to the joint standing committee on Ways and Means:

REGISTER'S OFFICE,
Baltimore, July 12th, 1861.

*To the Honorable the Presidents and Members of the
First and Second Branches of the City Council:*

GENTLEMEN:

In my annual statement, estimate was made for expenses of State elections, but on examination of the General Appropriation Bill, I have not been able to find any appropriation for said purpose.

There has been two elections, and there will be another in November next. The expenses of the three will require about five thousand four hundred dollars. I respectfully request that the above amount be appropriated for paying expenses of State elections for the year 1861.

Very respectfully,

JNO. A. THOMPSON, *Register.*

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, July 12th, 1861.

Gentlemen of the First Branch:

We respectfully propose with your concurrence that when the Council adjourns this afternoon it stand adjourned until Tuesday morning, the 16th instant, at ten o'clock, and that when it adjourns on that day it adjourn *sine die*.

By order,

ALLEN E. FORRESTER, *Clerk*.

Mr. Blanchard moved that the Branch non-concur in the proposition contained in the message, which was determined in the affirmative.

Mr. Phelps moved that a message be sent to the Second Branch proposing with their concurrence that when the Council adjourns this afternoon it stand adjourned until Thursday afternoon next at three o'clock, which was determined in the affirmative.

Mr. Brown, from the joint standing committee on Water, submitted the following report and resolution, which were read :

The joint standing committee on Water, to whom was referred the petition of the Visitors of the Baltimore City Jail, to have a fire plug and two gas lamps placed on said premises, have examined the subject and respectfully offer the following resolution :

THOS. J. BROWN,
J. H. TEGMEYER,
SOLOMON ALLEN,
First Branch.

JOSEPH ROBB,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby directed to have a fire plug, with hose attached, placed in the yard in the rear of the Jail, and also two gas lamps placed at the front steps of the Jail, within said enclosure.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, July 12th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition, that when the Council adjourns this afternoon, it stand adjourned until next Thursday afternoon at three o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

The Second Branch returned the resolution directing the City Commissioners to have a fire plug, with hose attached, placed in the yard in the rear of the Jail, and also two gas lamps placed at the front steps of the Jail, within said enclosure, endorsed "concurred in."

On motion of Mr. Blanchard the Branch adjourned until Thursday afternoon next, at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Thursday, July 18th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Messrs. Drakeley and Chase.

Mr. Myers presented the petition of R. H. Walker, First Lieutenant commanding the Shields' Guards, asking on behalf of

said company an appropriation of one hundred dollars for the year 1860, which was referred to the joint select committee on Volunteer Military Companies.

Mr. Myers presented the petition of Oliver H. Cromwell asking compensation for certain fire arms and percussion caps, taken from his store on Thames street on the 21st and 22d of April last, which was referred to the joint standing committee on Claims.

Mr. Dixon presented the petition of Jacob Voglesang asking compensation for certain damage done his property by a mob on the 2d of November, 1859, which was referred to the joint standing committee on Claims.

Mr. Tegmeyer presented the petition of Messrs. Pattison and Woolford asking compensation for damage done their property on the night of the 19th of April last, which was referred to the joint standing committee on Claims.

The Second Branch returned the ordinance entitled "An ordinance authorizing the Register to use the credit of the City to the amount of uncollected taxes of 1861, not to exceed five hundred thousand dollars," endorsed "passed," and the resolution authorizing and directing the City Counsellor to take such steps as may be necessary to enforce the claim of the City of Baltimore against the Baltimore and Ohio Railroad Company, growing out of the non-payment by said Company of the interest on \$1,500,000 of the Mortgage Bonds of the Northwestern Virginia Railroad Company, endorsed by the City of Baltimore, and further empowering him, with the approbation of the Mayor, to refer to arbitrators any matters in controversy between the City of Baltimore and the Baltimore and Ohio Railroad Company, endorsed "concurred in."

Mr. Crout offered the following resolution, which was read :

Whereas, in consequence of the present deplorable condition of our once happy and prosperous country, great suffering and distress has been entailed upon all communities, our own particularly ; and, whereas, at such a time when large numbers of our fellow citizens, their wives and children, are suffering for the actual necessities of life, when every one is endeavoring to look into the dim distance of the future for some bright spot, though "no larger than a man's hand," on which to hang a hope that the madness which now rules the hour may give way to the light of reason, and peace, tranquility, and its necessary

follower, prosperity, may once more be our happy boon, it is truly refreshing that we can point to "Good Samaritans" in our midst ; and, whereas, Thomas Winans, Esq., and Mrs. George Brown, the widow of our late, excellent, warm-hearted citizen, and good man, George Brown, Esq., have, through their princely liberality, established, and are daily keeping in operation, at great expense, extensive soup houses for the relief of our suffering community, where the needy can procure, "without money and without price," at all times an abundance of wholesome food ; and, whereas, such Christian philanthropy should not go unnoticed by the corporate authorities ; therefore,

Resolved by the Mayor and City Council of Baltimore, That the thanks of this corporation are eminently due, and are hereby tendered to Mrs. George Brown and Thomas Winans, Esq., for the great and munificent liberality displayed by them in establishing, and keeping daily in operation, extensive soup houses for the benefit and relief of the suffering thousands in our city.

And be it further resolved, That the Mayor be requested to transmit to Mrs. Brown and Mr. Winans, a copy of the foregoing preamble and resolution, with the seal of the city of Baltimore attached thereto.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of John Gray, in relation to the rebuilding of the stone wall on the east side of Jones' Falls and in the rear of his premises, would beg leave to state that they have examined the same, and are of the opinion that the corporation has no right to rebuild the said wall as it is private property, they therefore respectfully offer the following resolution :

OWEN BOULDIN,

JESSE HAY,

SOLOMON ALLEN,

First Branch.

ASA HIGGINS,

JOSEPH ROBB,

JESSE MARDEN,

Second Branch.

Resolved that the committee be discharged from the further consideration of the subject.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin from the joint standing committee on Highways, submitted the following report and resolution, which were read:

The joint standing committee on Highways, to whom was referred the petition of Captain Thomas A. Dunnigan, relative to the Steam Ferry Company's use of the pier and wharf at the south end of Broadway, have examined the subject and matter set forth in said petition, and find that the said Steam Ferry Company has all the power granted them under a resolution approved February 19th, A. D. 1857, to use and occupy the said pier and wharf under certain restrictions, as provided for in said resolution; they therefore ask leave to offer the following resolution:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved that the committee be discharged from the further consideration of the subject.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin from the joint standing committee on Highways, submitted the following report, and an ordinance entitled "An ordinance supplemental to an ordinance entitled 'An ordinance to widen the north side of Fayette street, between Calvert and Holliday streets,' " which were read and laid on the table:

The joint standing committee on Highways, to whom was referred the petition of Zenus Barnum and others, property holders, who are assessed with benefits for the contemplated widening

of Fayette street, between Holliday and Calvert streets, have duly considered the matter referred to them, and, in view of the present depressed condition of financial matters throughout the country, and the fact that all proceedings in reference to the erection of a new City Hall and United States Court House on the line of said street have been suspended, and the proposed widening cannot therefore be effected for some time to come, the committee are of opinion that no detriment to the public interest or injury to individual interests will be occasioned by a suspension of further proceedings in the matter; they therefore submit the accompanying ordinance:

OWEN BOULDIN,
JESSE HAY,
SOLOMON ALLEN,

First Branch.

ASA HIGGINS,
JESSE MARDEN,

Second Branch.

The President presented the remonstrance of Ramsay McHenry and others, against any legislation for the repeal of the ordinance providing for the widening of Fayette street, between Calvert and Holliday streets, and against any postponement, obstruction, or delay in any of the proceedings under said ordinance, which was read and laid on the table.

The following communication was received from the City Commissioners, and referred to the joint standing committee on Police and Jail:

CITY COMMISSIONER'S OFFICE,
Baltimore, July 18th, 1861.

*To the Honorable the President and Members
of the First Branch of the City Council of Baltimore:*

GENTLEMEN:—

The City Commissioners would respectfully inform your Honorable Body that the present condition of the Jail yard is such, as in their opinion, requires prompt attention. The ground should be put in shape so as to shed the water from the enclosure

walls, and the walls of the building proper; serious results might arise from the water sapping the foundations. The Commissioners would respectfully recommend that a pavement about twelve feet wide, be laid, of good hard brick, along the entire east front of the building; also, along the inner line of the enclosure wall on Buren street, they would recommend that a pavement be laid with paving stone, to a proper grade, so as to shed the water from the wall; footway leading from the inner Warden's gate, and the gate on Buren street to the main entrance of the east front should be paved with good hard paving brick. The Buren street gateway requires some stone ashlar work in order to make a finish with the adjoining ground, when it shall have been properly graded. The Commissioners would also suggest the propriety of using a portion of the iron originally intended for the Buren street wall, in order to put up a railing at the north and south ends of the Jail, so as to separate the front portion of the Jail yard from the rear. It has been remarked to the Commissioners by the present Warden, as it was also by the late Warden, that such an arrangement would be greatly advantageous to the discipline of the prisoners when they are permitted into the yard. The above mentioned iron is now carefully stowed in the cellar of the Jail, and cannot be sold at this present time for any thing like its value; whereas, in the construction of this railing about one-fifth of it might be applied to its legitimate use. Should your Honorable Body be disposed to give this report a favorable consideration, we would respectfully ask of you, in order to effectually execute all the work herein set forth, the appropriation of fifteen hundred dollars.

With great respect, yours truly,

ROBT. S. BEETLEY, *Chairman,*

City Commissioners.

The following message was received from the Second Branch :

IN SECOND BRANCH,

Baltimore, July 18th, 1861.

Gentlemen of the First Branch :

We respectfully propose with your concurrence that when the Council adjourns this afternoon it stand adjourned until next Monday afternoon at three o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Crout moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

Mr. Staylor from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read :

The joint standing committee on the Fire Department, to whom was referred the petition of M. J. & W. A. Brown, in regard to the erection of a shed in the rear of their store, corner of Pratt and Concord streets, have examined the premises and are of the opinion that the prayer of the petition should be granted :

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,
ASA HIGGINS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to M. J. & W. A. Brown to erect a frame shed on their premises, corner of Pratt and Concord streets, the same to be removed at any time upon six months' notice by the Mayor.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Staylor from the joint standing committee on the Fire Department, submitted the following report and resolution, which were read :

The joint standing committee on the Fire Department, to whom was referred the petition of Messrs. Thomas and Boggs, asking permission to erect a small steam engine on their premises, Nos. 452 and 454 West Baltimore street, are of opinion that the petition should be granted ; they therefore offer the following resolution :

JOHN J. STAYLOR,
J. H. TEGMEYER,
JESSE HAY,

First Branch.

JAS. B. GEORGE, Sr.,
JOSEPH ROBB,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby granted to Messrs. Thomas and Boggs to erect a steam engine on their premises, Nos. 452 and 454 West Baltimore street, said engine not to exceed nine horse power.

On motion of Mr. Staylor, the resolution was read a second time, by special order, and adopted.

Mr. Brown from the joint standing committee on Water, submitted the following report and resolution, which were read :

The joint standing committee on Water, to whom was referred the petition of sundry citizens of Pearl street, near Lexington street, asking to have a pump removed, have examined the subject and find the pump in good order, and that a majority of the residents in the neighborhood are opposed to its removal ; they therefore beg leave to offer the following resolution :

THOS. J. BROWN,

SOLOMON ALLEN,

J. H. TEGMEYER,

First Branch.

ASA HIGGINS,

JOSEPH ROBB,

DECATUR H. MILLER,

Second Branch.

Resolved that the committee be discharged from the further consideration of the subject.

On motion of Mr. Brown, the resolution was read a second time, by special order, and adopted.

The following communication was received from the Mayor and referred to the joint special committee upon the Mayor's communication, in relation to certain recent events in this City, heretofore made to the Council :

MAYOR'S OFFICE—CITY HALL,
Baltimore, July 18, 1861.

To the Honorable the Members of the

First and Second Branches of the City Council:

GENTLEMEN :

I request you to add the enclosed communication from the City Counsellor, George M. Gill, Esq., to the documents which accompanied the message which I had the honor to send to you on the 11th inst.

Very respectfully,

GEO. WM. BROWN, *Mayor*.

Baltimore, July 12, 1861.

TO THE HON. GEO. WM. BROWN,

Mayor of the City of Baltimore:

In your communication to the City Council of yesterday, which I did not see until after it was communicated to the Council, you refer to the fact that I accompanied you on Friday, April 19th, to the Camden station. There were some additional circumstances which I deem it proper to state. You desired me to accompany you, hoping that I might aid in preventing any violence on that day, or interruption to the troops then about to pass through, in case any should be attempted. Your impression was that no such attempt would be made, but nevertheless you thought every precaution should be taken, in case of any such attempt to resist it. For the sole purpose of doing this I accompanied you.

After we reached the Camden Station there were manifestations of excitement among the crowd there assembled, and the Police Commissioners (excepting Mr. Hinks then absent from the City) gave directions to Marshal Kane, in my presence, to use his whole force in keeping order and protecting the troops from being interrupted. The reply of Marshal Kane then made was, that if he and his whole force lost their lives the troops should be protected.

After the first of the troops reached Camden Station a rush of people was made at the cars in which they then were, but the Police interfered and drove them off. A cry was then raised to tear up the track outside of the Camden Station, and a rush was made to accomplish this purpose, but the Police again interfered, and prevented this from being done.

I supposed for some time that all the troops would pass in safety, and such was my anxious wish, and to the extent of my ability I united in the effort to produce this result.

While I was at Camden Station the events on Pratt street took place, none of which did I see, and therefore cannot speak of them further than that I saw at a distance, and heard the firing of the troops as they passed up Pratt street.

My impression on that day was and still is, that the events arose from a sudden impulse which seized upon some of our people, and that after the firing commenced and blood was shed many persons took part, under an impression that the troops were killing our people, and without knowing the circumstances of provocation which induced the troops to fire.

Matters reached their height after Mr. Davis was killed, and the intense excitement resulting from this and other causes produced a state of feeling which for a time was beyond control on the part of the City authorities.

On Sunday, the 21st of April, whilst you were in Washington, where you had been summoned by the President, a regiment arrived from Pennsylvania, but were fortunately stopped at Cockeysville, about 14 miles off, by the disabled bridge at that point. Any rational man who witnessed the condition of things in Baltimore on that day, can judge of the sad consequences which would have followed if the regiment had entered the City.

Yours very respectfully,

GEO. M. GILL.

On motion of Mr. Nicholas the rules were suspended to allow him to introduce an ordinance entitled "An ordinance to authorize the Mayor and Register of the City to issue bonds not exceeding in amount one hundred and fifty thousand dollars, to enable the Water Board to complete the works now in the course of construction," which was read and laid on the table.

On motion of Mr. Myers, the Branch adjourned until Monday afternoon next, at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Monday, July 22d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members except Messrs. Drakeley, Bouldin, Dixon and Hay.

Mr. Chase informed the Branch that Mr. Drakeley was absent from the city.

Mr. Brown presented the petition of Samuel H. Goldsmith, asking to have a gas lamp substituted in the place of the oil lamp at the southeast corner of Central avenue and May street, which was referred to the joint standing committee on Police and Jail.

Mr. Nicholas presented the petition of Joseph D. Fahnestock and others, asking the passage of an ordinance to correct the nuisance occasioned by allowing droves or numbers of hogs to lie down in Liberty street where it crosses Fayette street, which was referred to the joint standing committee on Health.

A resolution making provision to ascertain the sense of the voters of the city at the ensuing election for members of the First Branch of the City Council, upon the subject of granting permission to the City Passenger Railway Association to run their cars on the Sabbath day, was received from the Second Branch, read and laid on the table.

A report from the joint standing committee on the Fire Department with a resolution granting permission to Edward S. Lamdin to enlarge his summer kitchen in the rear of his premises, situate on the northwest corner of Broadway and Bank street, provided the said enlargement shall not extend over five feet toward the building line of Bank street, and the same to be removed at any time within sixty days after notice to that effect shall have been given by the Mayor, were received from the Second Branch and read.

On motion of Mr. Staylor the resolution was read a second time, by special order, and "concurred in."

A report from the joint standing committee on the Fire Department, with a resolution discharging the committee from the further consideration of so much of the Mayor's annual Message as had reference to the proposed changes in the Fire Department, was received from the Second Branch and read.

On motion of Mr. Staylor the resolution was read a second time, by special order, and concurred in.

Mr. Blanchard from the joint special committee upon the Mayor's communication, in relation to certain recent events in this city, submitted the following report, memorial and resolution, which were read and laid on the table :

The joint special committee, to whom was referred the Mayor's late message in relation to recent events in this city, respectfully submit their report :

While there remained a hope that the late action of the federal authorities would be reconsidered, your attention was not formally called to the subject by the Mayor. The recent proclamation of Major-General Banks, does not permit us to doubt the deliberate purpose of that officer, acting under instructions from Washington, to subject our city to the government of the present federal police. That this decision is received with profound regret, will excite no surprise. After suffering for years under great disorders, the citizens of Baltimore have, since the winter of 1860, enjoyed that sense of security which results from the protection of an efficient police system, faithfully administered. From the day when the police law became operative, in spite of the difficulties incident to a new experiment, there has been a marked improvement in the condition of our city—in no respect more marked than in the substitution of quiet for disorder at our elections. Whatever differences of opinion on political questions have agitated the public mind, all candid men have borne grateful testimony to the zeal and efficiency of the Board of Police and their Marshal, and to the perfect impartiality with which they have executed the laws. Amid the vague charges of hostility to the federal government, urged against the police authorities of the city, no one has the hardihood to affirm, that any friend of the government has by their act or by their omission been injured in person or in property. In their present confinement, they can have the satisfaction of knowing that those of our citizens who have been active in procuring their arrest, and that portion of the press which has most malignantly assailed them, received complete protection at their hands, during a period of great public excitement. Were they but private citizens, their illegal arrest and imprisonment would be an injury to the whole community. But when we reflect that the suspension of their official functions leaves Baltimore without lawful police government, we cannot but feel the gravest apprehensions for the order and peace of the city.

The several proclamations of Major-General Banks make it apparent that his action has been in a measure influenced by the representations of citizens of Baltimore. Who and what they

are, we do not care to enquire. They have brought distress into the families of their fellow-citizens, they have deprived the city of its only legal police government, and have been aiding in setting up an authority expressly forbidden by the laws of their State, and all of whose officers and servants are to-day subject to the infliction of penalties.

The new authority established in our midst, has not confined itself to assuming the powers of the Board of Police. The city property, its officers, its station-houses, its telegraph, have been seized. The officers appointed as operators of the telegraph, and who derive their authority from the Mayor and City Council, have been ejected, and other persons appointed in their stead.

It is evident that the present police force, appointed by military authority, forms no part of the civil government of this city. The Laws of Maryland, for the police government of the city of Baltimore, require the City Council to assess and levy a police tax sufficient to defray the expense of the maintenance of a police force, according to the estimates of the Board of Police. This duty you have performed, and the amount thus levied and appropriated by ordinance, remains subject to the requisition of the Board of Police, and is in no respect under your control. If no other reasons existed, the distinct prohibitions of the police law prevent the assessment or appropriation of any other sum for the support of a police force which does not derive its authority from our local laws, as the only acting authority left to represent a part of the civil government of Baltimore, we cannot think that the Mayor and City Council would do their duty by the city, either by the implied acquiescence of silence, or by neglecting any effort which may restore to our citizens the protection of their laws. Resort to the Courts is useless. Unable to protect the property of the city, unable to secure to citizens the protection of their lawful police government, unable to retain in office those officers whom they have lawfully appointed, the Mayor and City Council can only appeal to the federal authorities to relieve this city from the pressure of the force which has deranged its government.

The committee recommend that the accompanying memorial, addressed to the Senate and House of Representatives, be adopted, and presented to Congress :

E. WYATT BLANCHARD,

J. S. NICHOLAS,

First Branch.

WM. DEAN,

F. W. ALRICKS,

ASA HIGGINS,

Second Branch.

To the Honorable the Senate and

House of Representatives of the United States :

The Mayor and City Council of Baltimore respectfully present this their memorial :

The recent suspension of the functions of the Board of Police of this city, makes it the duty of your memorialists to call your attention to certain consequences of that action which affect every citizen in this community. The memorial of the Board of Police already presented to your Honorable Bodies, has given you full information of the nature and extent of their powers. A brief reference to certain leading features of the law of Maryland under which they hold office, and with whose execution they are charged, will enable you to appreciate the embarrassments which now affect the due administration of the Government of Baltimore. The Board of Police is, under the laws of Maryland, the sole Police authority of the city. It alone is competent to provide for the preservation of peace and order within our limits; to appoint subordinate police officers, to appoint judges of elections and provide for the execution of the laws regulating elections, to enforce all ordinances of the Mayor and City Council of Baltimore for the preservation of health and the maintenance of peace and order. By other provisions of the laws for the Police government of this city, the organization of any permanent police force other than that organized by and acting under the orders of the Board of Police, is distinctly prohibited.

To the due execution of the laws of their State for their local government, by legally constituted officers, the free citizens of Baltimore have an unquestioned constitutional right. The manner in which that right has been respected will appear from the facts which we now recite:

The Major General commanding in the military department of which this city forms a part, issued a proclamation dated June 27th, announcing the arrest of the Marshal of Police.—With professions of respect for every municipal regulation and public statute, the proclamation further announces to the public that the official authority of the Marshal of Police and the Board of Police is superseded, and a “Provost Marshal,” an officer unknown to the civil law of Maryland, is appointed.—No charge is preferred against the members of the Board of Police, nor is any reason assigned for superseding them and depriving the citizens of Baltimore of their only legal Police authority.

The Board of Police, yielding to the force which prevented their execution of the laws of this State, submitted to the prac-

tical suspension of their functions, and neither offered nor permitted any resistance to such action as the General in command saw fit to adopt.

The Provost Marshal appointed by the General in command to execute the police laws of Maryland for the government of the city of Baltimore, took possession of the offices belonging to the city, and removed certain officials not appointed by the Board but by the Mayor and City Council of Baltimore, appointing others in their place.

The memorial of the Board of Police has presented at length the considerations of official duty which made it impossible for them either themselves to aid, or to permit the officers under their command to aid in violations of the law under which they hold office. A comparison of the reasons assigned by them, with the provisions of the police law, to which they direct your attention, will prove the correctness of their conclusions. Under date of July 1st appeared a third proclamation of the General in command, announcing the arrest of the members of the Board of Police. Again disclaiming for those under whose authority he acts, any intention to interfere with the municipal affairs of Baltimore, he assigns certain reasons for the summary arrest of these gentlemen, whom without complaint on oath or civil process he arrested, and now holds in custody. Examined in connection with the law under which they were appointed, the pretended offences charged against them, amount together to the simple performance of their official duty. Had they aided or acquiesced in the establishment of any public authority other than their own, they would have plainly violated the law under which they hold office.

By a fourth proclamation, dated July 10th, the Major-General in command informs the public that he has removed the "provost marshal," and has appointed a "marshal of police," "in all respects to administer every department of the police law in full freedom for the peace and prosperity of the city, and the honor and perpetuity of the United States." This officer now affects to administer the law for the police government of Baltimore, by means of a force organized under and acting by his direction.

Whatever professions of regard for our laws accompany these transactions, the facts are too plain to be concealed. The local laws of the State of Maryland, for the police government of the city of Baltimore, to which all officers of the federal government are bound to yield obedience within our limits, have been set aside. The only officers competent to administer those laws have been superseded, and then imprisoned. The General in command, professing to act under instructions from the federal government, has marched large bodies of armed men into the

city, planted cannon in the principal streets and public squares, and, by the law and authority of superior force, has established the present acting police force, has enabled its officers to take possession of the offices and buildings belonging to the city of Baltimore, to eject officers appointed by the Mayor and City Council, and to assume the function of executing laws whose fundamental provisions they daily violate by the exercise of police authority. Your memorialists need not dwell on the embarrassments which must certainly result from thus disorganizing the civil government of a city, nor on the sense of insecurity, which affects citizens who reflect that the present police acts without legal warrant or authority. A community thus deprived of its lawful government is entitled to demand that those who assume so grave a responsibility shall furnish some sufficient reason for their action. It is impossible to believe that the federal authorities have wantonly disturbed the peace and good government of the city. No doubt statements have been made to which credit has been given, and on the faith of which the government has acted. The proclamation of the General in command, issued immediately after the arrest of the members of the Board of Police, vaguely charges that the Board "hold, subject to their orders, now and hereafter, the old police force, a large body of armed men for some purpose unknown to the government, and inconsistent with its peace and security." Your memorialists are left in doubt as to the precise nature of the purpose referred to, but the suspension of their authority, and the subsequent imprisonment of the Board of Police, seems to have been the result of a belief that their authority would be used to the injury of the government of the United States.

That this opinion has any foundation in facts, your memorialists deny, and appeal to the history of the official acts of the Police authority of this city.

For a detailed account of the unhappy occurrences of the 19th April, you are referred to the statement of the Mayor of the city, which is herewith submitted. No evidence of failure of duty on the part of the police authority on that day can be produced. The Mayor ex-officio a member of the Board, shared the dangers to which the troops were exposed, and both he and the Marshal of Police risked their lives for their protection.—The great excitement which ensued, and which was intensified by the wanton killing of a citizen, at a distance from the scene of the riot, and who was shot from the window of the cars as the train passed out of the city, was represented to the President by the Mayor of the city. The President and his cabinet recognized the necessity of temporarily avoiding a passage through Baltimore, and gave repeated assurances that troops should not be brought through the city. Unauthorized persons

declaring openly their intention to cut their way through Baltimore with or without the orders of the government, the authorities of Baltimore, as well the Police Board as your memorialists, called their people to arms, procured such weapons as could be hastily gathered, and did all in their power to provide for the defence of their city from the threatened danger.— This they did and this they justify. In the then excited condition of the people, a portion of our population may have entertained designs of active hostility to the government. If such designs existed, they were frustrated by the precautions of the Board of Police. Fort McHenry, believed to be without either a sufficient garrison or armament, was nightly guarded by the military of the city, acting under the orders of the Board of Police. Other government property received especial protection. Arms supposed to belong to the United States and found in the hands of individuals were taken possession of and preserved by the Board of Police, who gave notice to the government agents of their action. The persons and property of all citizens received equal and efficient protection. Whatever charges malice may suggest, the preservation of peace in the city, the prevention of conflict between citizens divided in opinion, the protection of life, limb and property, during a period of great popular excitement, is a monument to the zeal and good faith of our police authorities. When there no longer seemed any necessity for a military array, the arms placed in the hands of the people were recalled, and the city resumed its ordinary condition of quiet. So Baltimore remained until May 14th, when it being ascertained that the people were disarmed, and that the movement could be made without serious danger, the General then in command in this department occupied a portion of the city with certain troops under his command. His arrival was announced by proclamation, and in the afternoon of May 14th he sent a detachment of troops into the city, who seized and carried off arms belonging to and in the custody of the authorities of the city of Baltimore. No resistance was offered or permitted by the authorities of the city. Two of our citizens, one of them a member of the Legislature of Maryland, were by the orders of the same military officer summarily arrested, and after an imprisonment of a few days, were released because their existed no sufficient cause for either arrest or detention.

Since the middle of May, many thousand United States soldiers have passed through this city. There has been no single instance of opposition to their progress, nor any failure on the part of the city authorities to take proper precautions for their protection as well as for preserving the peace of the city. The Courts of the United States are and have been unimpeded in

the performance of their duties, save when in a memorable instance, the Marshal of the United States was not permitted to enter Fort McHenry, or to serve process issued by the highest judicial officer of the United States. The order of the city has been preserved. No resistance of any kind has been made, even to illegal and unconstitutional acts of military officers. No arrest that has been made by mere military authority, but that could have been made by civil officers. Thus without the existence of a single fact to justify an appeal to a supposed authority growing out of military necessity, citizens have been seized and imprisoned, their homes invaded and searched without warrant, or complaint, on oath, as required by law. The protection afforded by constitutional guarantees of the liberty of the citizen and constitutional restraints imposed on the power of the executive, has been denied. Obedience to the Courts is refused when they interfere for the protection of the citizen. Arms belonging to the city of Baltimore and rightfully in the custody of its authorities have been taken. The buildings of the city have been given into the custody of officers not known to its laws. Its Court House has been occupied by troops. Its civil authority has been disregarded, and a revolutionary government established by mere force of arms and against law.

Against these manifold wrongs your memorialists for themselves and the free community which they represent do most solemnly protest. The State of Maryland has been and is subject to the Constitution and laws of the United States, and her citizens are of right entitled to the protection of that Constitution and of those laws. The civil authorities of this city have heretofore and do now render fitting obedience to the requirements of both. If disaffection is believed to exist, from which danger is apprehended, the guns of Fort McHenry turned on the homes of the women and children of an unarmed City—the Federal troops encamped around its limits would seem an adequate protection to the Government. Whether that disaffection is weakened by depriving a whole community of the protection of its laws,—whether the risk of disorder is diminished by establishing a police government which fails to command the respect accorded to undoubted lawful authority, you, in your wisdom, will determine.

But your memorialists respectfully, yet most earnestly demand, as matter of right, that their city may be governed according to the Constitution and laws of the United States, and, of the State of Maryland. They demand, as matter of right, that citizens may be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and that they be not deprived of life, liberty, or property, without due process of law. They demand, as matter of right, that the military

render obedience to the civil authority, that our municipal laws be respected, that officers be released from imprisonment, and restored to the lawful exercise of their functions, that the police government established by law, be no longer impeded by armed force to the injury of peace and order.

These, their rightful demands, your memorialists submit for the consideration of your honorable bodies.

Resolved by both Branches of the City Council, That the Memorial reported by the committee to whom was referred the late Message of the Mayor be, and the same is hereby approved, and that the Mayor, together with the Presidents of the First and Second Branch be requested to place the same in the hands of the Senators and Representatives of Maryland, for presentation to Congress.

On motion of Mr. Nicholas the rules were suspended to allow him to introduce an ordinance entitled "Amendment of the ordinance entitled an ordinance making appropriations for the year 1861," which was read.

On motion of Mr. Nicholas the ordinance was read a second time, by special order, and passed.

On motion of Mr. Crout, the Branch adjourned until to-morrow afternoon at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, July 23d, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members except Mr. Bouldin.

Mr. Dixon presented the petition of Mary E. Seguin, administratrix of John F. Seguin, asking compensation for damage

done the property of her deceased husband in September, 1859, by a mob, which was referred to the joint standing committee on Claims.

Mr. Allen offered the following resolution which was read :

Resolved by the First Branch of the City Council of Baltimore, That the Register be respectfully requested to communicate to this Branch, a detailed statement of expenses incurred under the ordinance appropriating \$500,000 for the defense of the city. Approved April 20th, 1861.

On motion of Mr. Allen, the resolution was read a second time, by special order, and rejected by the following vote, the yeas and nays being required by Mr. Yeisley :

Yeas—Messrs. Yeisley, Wolf, Myers, Thomas, Phelps, Drakeley, Allen, Chase and Dixon—9.

Nays—Messrs. President, Bandel, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Hay, Tegmeyer and Crout—10.

Mr. Blanchard called up the resolution approving the memorial reported by the committee, to whom was referred the late message of the Mayor, and requesting the Mayor and the Presidents of the First and Second Branch to place the same in the hands of the Senators and Representatives of Maryland for presentation to Congress, which was read.

Mr. Wolf moved that the resolution be laid on the table, which was determined in the negative.

The question recurring on the adoption of the resolution, it was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Yeisley :

Yeas—Messrs. President, Bandel, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Hay, Tegmeyer and Crout—10.

Nays—Messrs. Yeisley, Wolf, Myers, Thomas, Phelps, Drakeley, Allen, Chase and Dixon—9.

The Second Branch returned the resolution tendering the thanks of the corporation to Mrs. George Brown and Thomas Winans, Esq., for the great and munificent liberality displayed by them in establishing, and keeping daily in operation, exten-

sive soup houses for the benefit and relief of the suffering thousands in the city, and requesting the Mayor to transmit to Mrs. Brown and Mr. Winans a copy of the resolution, with the seal of the city of Baltimore attached thereto, the resolution granting permission to Messrs. Thomas & Boggs, to erect a steam engine on their premises Nos. 452 and 454 West Baltimore St., said engine not to exceed nine horse power, the resolution granting permission to M. J. & W. A. Brown, to erect a frame shed on their premises, corner of Pratt and Concord streets, the same to be removed at any time upon six months notice by the Mayor, the resolution discharging the joint standing committee on Highways, from the further consideration of the petition of John Gray, the resolution discharging the joint standing committee on Highways, from the further consideration of the petition of Captain Thomas A. Dunnigan, and the resolution discharging the joint standing committee on Water, from the further consideration of the petition of sundry citizens of Pearl street, for the removal of a pump, severally endorsed "concurred in."

The Second Branch returned the ordinance entitled "Amendment of the ordinance entitled 'an ordinance making appropriations for the year eighteen hundred and sixty-one'" endorsed "passed."

Mr. Bandel offered the following resolution, which was read and laid on the table:

Resolved by the First Branch of the City Council of Baltimore, That the City Commissioners be and they are hereby requested to inform this Branch if there are any places, within their knowledge, where the unemployed mechanics and laboring men can be employed to the advantage of the city.

A resolution directing the City Commissioners and Port Wardens to deepen a channel from the foot of Montgomery street, round the south side of the Basin to the City Yard, of a depth of twelve feet, the expense of the same to be defrayed out of the annual appropriation for deepening the channel and harbor for the year 1861, was received from the Second Branch, read and laid on the table.

A resolution appropriating one thousand dollars, to be provided for in the levy of 1862, to be expended under the direction of the Mayor, in carrying out the provisions of the third section of the ordinance approved June 5, 1858, relating to dogs; and directing the Register to pay the same, in anticipation of said

levy, out of the amount of money which he is authorized to borrow to defray the expenses of the corporation, was received from the Second Branch, read and laid on the table.

On motion of Mr. Chase the Branch adjourned until to-morrow afternoon, at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Wednesday, July 24th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Phelps.

Mr. Bouldin presented the petition of George Suter, Janitor to the City Hall, asking an increase of salary, which was referred to the joint standing committee on Ways and Means.

Mr. Brown presented the petition of William Schnauffer, the publisher of the Baltimore Wecker, asking compensation for damage done his property on the 20th of April last, by a mob, which was referred to the joint standing committee on Claims.

Mr. Nicholas called up the ordinance entitled "An ordinance to authorize the Mayor and Register of the City to issue bonds not exceeding in amount one hundred and fifty thousand dollars, to enable the Water Board to complete the works now in the course of construction," which was read and passed.

The following message was received from the Second Branch :

IN SECOND BRANCH,
Baltimore, July 24th, 1861.

Gentlemen of the First Branch:

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon it adjourn *sine die*.

By order,

ALLEN E. FORRESTER, *Clerk*.

Mr. Myers moved that the Branch concur in the proposition contained in the message, which was determined in the negative.

Mr. Yeisley moved that a message be sent to the Second Branch proposing, with their concurrence, that when the Council adjourns to-morrow afternoon, it stand adjourned until the second Monday of September next, at three o'clock in the afternoon, which was determined in the affirmative.

Mr. Bouldin called up the ordinance entitled "An ordinance supplemental to an ordinance entitled 'An ordinance to widen the north side of Fayette street, between Calvert and Holliday streets,'" which was read.

Mr. Bouldin moved to amend the ordinance by striking out the word "extension" in the seventh line, and inserting in lieu thereof the word "suspension" which was determined in the affirmative.

Mr. Bouldin moved to further amend the ordinance by striking out the word "first" in the ninth line, and inserting in lieu thereof the word "tenth," which was determined in the affirmative.

Mr. Drakeley moved to further amend the ordinance by adding after the final word the words "and that the damages already paid shall be refunded, or the parties having so paid be allowed six per cent. interest from the date of payment to January 1, 1863," which was determined in the affirmative.

The question recurring on the passage of the ordinance as amended, the same was passed.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, July 24, 1861.

Gentlemen of the First Branch:

We respectfully request the return to this Branch of the ordinance amendatory of the ordinance making appropriations for the year 1861, for the purpose of a re-consideration of the same.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Brown moved that the request contained in the message be granted, which was determined in the affirmative.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, July 24th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have non-concurred in your proposition that when the Council adjourns to-morrow afternoon it stand adjourned until the second Monday in September next, at three o'clock in the afternoon.

By order,

ALLEN E. FORRESTER, *Clerk.*

The Second Branch returned the ordinance entitled "An ordinance to authorize the Mayor and Register of the City to issue bonds not exceeding in amount one hundred and fifty thousand dollars to enable the Water Board to complete the works now in the course of construction," endorsed "passed."

The Second Branch returned the resolution approving the memorial reported by the committee, to whom was referred the late message of the Mayor, and requesting the Mayor and the Presidents of the First and Second Branch to place the same in the hands of the Senators and Representatives of Maryland for presentation to Congress, endorsed "concurred in."

Mr. Brown offered the following resolution, which was read:

Resolved by the Mayor and City Council of Baltimore, That the cost and expense of erecting gas lamps and a fire plug at

the Baltimore City Jail, as provided for by Resolution, passed July 12th, 1861, be paid out of the appropriation for gas lamps and pillars and for fire plugs for the year 1861.

On motion of Mr. Brown the resolution was read a second time, by special order and adopted.

Mr. Staylor called up the resolution appropriating one thousand dollars, to be provided for in the levy of 1862, to be expended under the direction of the Mayor, in carrying out the provisions of the third section of the ordinance approved June 5, 1858, relating to dogs; and directing the Register to pay the same, in anticipation of said levy, out of the amount of money which he is authorized to borrow to defray the expenses of the corporation, which was read.

Mr. Nicholas moved to amend the resolution by striking out the words "one thousand," and inserting in lieu thereof the words "five hundred," which was determined in the affirmative.

The question recurring on concurring in the resolution as amended, it was determined in the affirmative.

Mr. Myers called up the resolution making provision to ascertain the sense of the voters of the city, at the ensuing election for members of the First Branch of the City Council, upon the subject of granting permission to the City Passenger Railway Association to run their cars on the Sabbath day, which was read.

Mr. Chase moved that the further consideration of the resolution be indefinitely postponed, which was determined in the affirmative.

On motion of Mr. Allen, the Branch adjourned until to-morrow afternoon, at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

The following ordinance and resolutions were this day presented to the Mayor :

An ordinance authorizing the Register to use the credit of the City to the amount of uncollected taxes of 1861, not to exceed five hundred thousand dollars.

Resolution directing the City Counsellor to enforce the claim of the City of Baltimore, growing out of certain Mortgage Bonds of the Northwestern Virginia Rail Road Company.

Resolution to erect a fire plug and two gas lamps in the Jail yard.

Thursday, July 25th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members except Messrs. Bolgiano, Nicholas and Tegmeyer.

Mr. Bandel offered the following resolution which was read :

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized and directed to pay to F. W. King, Inspector and Sealer of Gas Meters, the sum of ninety dollars, being a deficiency in amount of expenses incurred in fitting up office in the City Hall, the same to be taken out of any money in the treasury not otherwise appropriated.

On motion of Mr. Brown the resolution was read a second time, by special order, and adopted.

Mr. Phelps presented the following communication, which was read and referred to the joint standing committee on Ways and Means :

Baltimore, July 18, 1861.

To the Mayor and City Council of Baltimore :

GENTLEMEN :

The undersigned herewith respectfully present a copy of the Resolutions passed at a large meeting (numbering from 2,500

to 3,000) held on the 10th inst. of the Mechanics and Workingmen who have received relief from the money appropriated by your Honorable Body for the improvement of the Parks, Jones' Falls and Webster street.

Very respectfully, &c.,

G. M. KING, *Chairman*,
WM. F. FLEMING, *Secretary*.

Resolved, That the Mayor and City Council of Baltimore have our sincere and grateful thanks for the liberal appropriation made to relieve the pressing wants of the unemployed Mechanics and Workingmen of this city, at a time when the demands on the City Treasury were so heavy.

Resolved, That the thanks of this meeting are also due to the "Labor Commissioners," who were appointed to recommend deserving persons for employment, and to Col. Geo. J. Zimmerman the Chairman, for the satisfactory manner in which they performed the arduous duty assigned them.

Resolved, That Col. Zimmerman be and he is hereby requested to represent to the Mayor and City Council the continued suffering and want among us, and to obtain for us if possible a further appropriation, as we can find no employment in the regular way whereby we can obtain sufficient money to purchase the common necessities of life for our suffering families.

The following message was received from the Second Branch:

IN SECOND BRANCH,
Baltimore, July 25th, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have reconsidered our action, non-concurring in your proposition, that when the Council adjourns this afternoon it stand adjourned until the second Monday of September next, at three o'clock in the afternoon, and have concurred in the action of your Branch. We therefore request the withdrawal of the message announcing that we had non-concurred in the proposition.

By order,

ALLEN E. FORRESTER, *Clerk*.

On motion of Mr. Yeisley the request contained in the message was granted.

Mr. Blanchard from the joint standing committee on City Property, submitted the following report and resolution which were read :

The joint standing committee on City Property, to whom was referred the communication of the City Commissioners, relative to an increased appropriation for the repair of the Marine Hospital, respectfully report.

The City Council some time since appropriated \$500 for the repair of the Marine Hospital and adjoining buildings. It appears, from the examination of the committee, that the work undertaken under this resolution has already cost \$900, and has embraced matters not intended by the Council to be done. As the work has been done, and is believed to be of some value to the property, we recommend that the amount necessary to complete the work be appropriated. We submit the following resolution :

E. WYATT BLANCHARD,

THOS. J. BROWN,

First Branch.

JAS. B. GEORGE, Sr.,

WM. DEAN,

WM. SWINDELL,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the sum of eight hundred and fifty dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the completion of the repairs of the Marine Hospital and the construction of necessary fencing, the said sum to be included in the levy for 1862.

On motion of Mr. Blanchard the resolution was read a second time, by special order and adopted.

Mr. Dixon called up the resolution directing the City Commissioners and Port Wardens to deepen a channel from the foot of Montgomery street, round the south side of the Basin to the City Yard, of a depth of twelve feet, the expense of the same to be defrayed out of the annual appropriation for deepening the channel and harbor for the year 1861, which was read.

Mr. Myers moved to amend the resolution by inserting after the word "feet" in the fifth line the words "and further that

they be directed to clean from Mr. Patterson's to Messrs. Hooper & Cheeseborough's wharf in front of said docks, to a sufficient depth for large shipping at East Baltimore to enter said wharves at all times, and that the sum of four thousand dollars be expended for each of said improvements," which was determined in the affirmative.

The question recurring on concurring in the resolution as amended, it was determined in the affirmative.

The following communication was received from the Mayor :

MAYOR'S OFFICE—CITY HALL,
Baltimore, July 25, 1861.

*To the Honorable the Members of the
First and Second Branches of the City Council :*

GENTLEMEN :

I perceive by the proceedings of the First Branch of the City Council that a resolution was offered requesting the Register to communicate to the Branch a detailed statement of expenses incurred under the ordinance appropriating \$500,000 for the defence of the city.

Although the resolution was rejected I deem it proper to say that I have always contemplated making a report to the City Council on the subject of those expenses, and only refrain from doing so at this time, because no complete account could now be furnished.

Various claims have been presented which are now under investigation, or are the subject of negotiation, with a view to an equitable settlement, and no detailed statement could be made at this time without detriment to the interest of the city.

If however any anxiety exists in the minds of members of your Honorable Bodies on the subject, I will most cheerfully confer with any committee whom you may appoint, and lay every account and claim before it.

The sum actually paid by the Register amounts to \$53,545, and the unpaid accounts will, I suppose, bring the whole somewhat above \$60,000.

But in this I do not include \$2,000 for the benefit of the Poor Association, \$750 for repair of a Bridge, and \$10,000 for grading around Patterson's Park, which were appropriated by you to be paid out of the sum of \$500,000 designed for the defence of the city.

Very respectfully,

GEO. WM. BROWN, *Mayor.*

Mr. Myers moved that the communication be sent to the Second Branch, which was determined in the affirmative.

Mr. Phelps from the joint standing committee on Police and Jail submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail to whom was referred the communication from the City Commissioners relating to the grading and paving of a portion of the Jail yard, would respectfully report that from an examination of the premises it appears that the improvements contemplated are necessary, and they therefore submit the following resolution, and respectfully recommend its adoption :

CHAS. E. PHELPS,
H. H. CHASE,
THOS. J. BROWN,

First Branch.

WM. DEAN,
JESSE MARDEN,
F. W. ALRICKS,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized to cause the yard of the new Jail to be properly graded and paved, and also to use such portion of the iron now stowed in the Jail as may be necessary in erecting a railing at the north and south ends of the Jail, so as to separate the front portion of the Jail yard from the rear, and that the sum of fifteen hundred dollars or so much thereof as may be necessary be appropriated for the purpose, the same to be taken out of the annual levy for 1862.

On motion of Mr. Phelps the resolution was read a second time, by special order, and adopted.

Mr. Staylor called up the resolution requesting the City Commissioners to inform this Branch if there are any places, within their knowledge, where the unemployed mechanics and laboring men can be employed to the advantage of the City, which was read and adopted.

Mr. Crout offered the following resolution which was read :

Resolved by the First Branch of the City Council of Baltimore, That the doorkeeper be directed to take charge of the chamber during the time intervening between the adjournment this evening and the meeting again on the 9th of September, and that he be allowed a per diem of one dollar for the same, and that the clerk return him upon the pay roll accordingly.

On motion of Mr. Crout the resolution was read a second time, by special order, and adopted.

Mr. Bouldin called up the resolution directing the Board of City Commissioners and Port Wardens to have a gas lamp placed on Fayette street, midway between Aisquith street and Central avenue, which was read and adopted.

The Second Branch returned the resolution directing the Comptroller to pay to F. W. King, Inspector and Sealer of Gas Meters the sum of ninety dollars, the resolution authorizing the City Commissioners to cause the yard of the new Jail to be properly graded and paved, and to use such portion of the iron now stowed in the Jail as may be necessary, in erecting a railing at the north and south ends of the Jail, so as to separate the front portion of the Jail yard from the rear, and appropriating the sum of fifteen hundred dollars, or so much thereof as may be necessary for the purpose, the resolution directing the Board of City Commissioners and Port Wardens to have a gas lamp placed on Fayette street, midway between Aisquith street and Central avenue, the resolution appropriating eight hundred and fifty dollars, or so much thereof as may be necessary, for the completion of the repairs of the Marine Hospital and the construction of necessary fencing and the resolution requiring the expense of erecting gas lamps and a fire plug at the Baltimore City Jail, as provided for by resolution passed 12th July, 1861, to be paid out of the appropriation for gas lamps and pillars and for fire plugs, for the year 1861, severally endorsed "concurred in."

The Second Branch returned the ordinance entitled "Amendment of the ordinance entitled 'An ordinance making appropriations for the year eighteen hundred and sixty-one,'" endorsed "will pass with proposed amendment."

Amendment proposed:

Strike out the words "two thousand five hundred" in the second and third lines and insert the words "three thousand six

hundred," and add to the end of the section the words "twenty-five hundred dollars of which sum shall consist of the amount heretofore appropriated for expenses of corporate election, which is hereby appropriated with the additional sum of eleven hundred dollars, for the expenses of the State elections, held in the months of April and June, 1861."

Mr. Bouldin moved that the Branch concur in the proposed amendment, which was determined in the affirmative.

The Second Branch returned the ordinance entitled "An ordinance supplemental to an ordinance entitled 'an ordinance to widen the north side of Fayette street, between Calvert and Holliday streets,'" endorsed "will pass with proposed amendments."

Amendments proposed:

Strike out the word "North" in the fourth line and insert the word "Holliday."

Strike out all after the word "aforesaid" in the eleventh line and insert the words "and that the parties having paid the amount assessed for benefits be allowed interest at the rate of six per cent. per annum from the date of payment until January 1, 1863."

Mr. Bouldin moved that the Branch concur in the proposed amendment, which was determined in the affirmative.

On motion of Mr. Allen, the Branch adjourned until Monday afternoon, September 9th, at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

JOURNAL.

Monday, September 9th, 1861.

FIRST BRANCH.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members except Messrs. Yeisley, Wolf, Thomas and Blanchard.

Mr. Myers presented the petition of Edward Kirby, asking permission to sink a well in front of his premises, on the corner of Gough and Chapel streets, which was referred to the joint standing committee on Highways.

Mr. Drakeley presented the petition of A. Escherich, asking compensation for certain fire arms and other articles forcibly taken from his premises on the 21st of April last by a mob, and for other damage sustained, which was referred to the joint standing committee on Claims.

Mr. Chase presented the petition of John G. Jacob and others, asking to have a gas lamp removed to the southeast corner of Lee and Fremont streets, which was referred to the joint standing committee on Police and Jail.

Mr. Crout presented the petition of R. Bennett and others, owners of property on the south side of George street, asking permission to extend the rear line of their lots, which was referred to the joint standing committee on Highways.

The following communication was received from the City Commissioners, and referred to the joint standing committee on Highways :

CITY COMMISSIONER'S OFFICE,
Baltimore, September 9, 1861.

*To the Honorable the Members of the
First Branch of the City Council :*

GENTLEMEN :

The City Commissioners would most respectfully call your attention to the present condition of Harford Tunnel, a portion of which, between Pratt and Gough streets, has fallen in. The breach has been cleaned out in a proper manner so as to allow a free course for the water to pass through. The material has been selected out and deposited at various points convenient to the locality, and the opening fenced in all around so as to guard against accidents, for which the city might be made liable, and the locality now remains in this condition to await such action as your Honorable Body may deem necessary in the premises.

Should you order the breach to be repaired in the manner of its former construction, the Commissioners estimate the cost at sixteen hundred and fifty dollars.

With great respect, yours truly,

ROBT. S. BEETLEY, *Chairman,*

City Commissioners.

The following communication was received from the City Commissioners, and referred to the joint standing committee on Ways and Means :

CITY COMMISSIONER'S OFFICE,
Baltimore, September 9, 1861.

*To the Honorable the Members of the
First Branch of the City Council :*

GENTLEMEN :—

In answer to your Resolution of July 25th, requesting us to inform you of places where the unemployed labour can be used to the advantage of the City, we would respectfully state that the property belonging to the City on Charles street, known as the Chase Reservoir Lot, has a large excess of excavation, and the City's property at the junction of Charles street and Jones' Falls requires a large amount of embankment.

This proposed improvement we feel justified in saying would increase the property one-third in value. Webster street is unfinished and the City's property in front of the Jail requires grading.

The above places would employ a large number of men, horses and carts, and in our estimation, to the advantage of the City.

Very respectfully, &c.,

ROBERT S. BEETLEY, *Chairman,*
City Commissioners.

On motion of Mr. Allen, the Branch adjourned until to-morrow afternoon, at three o'clock.

By order,

J. SHAAFF STOCKETT, *Clerk.*

Tuesday, September 10th, 1861.

The Branch met pursuant to adjournment.

Present—JOHN C. BLACKBURN, Esq., President, and all the members, except Mr. Tegmeyer.

Mr. Brown presented the petition of sundry Butchers and and Produce Dealers in the Centre Market, asking the passage of an ordinance to set apart the west side of Centre Market, not rented, lying between Baltimore and Second streets, exclusively for the use of the country people who attend that market with their wagons, &c., which was referred to the joint standing committee on Markets.

Mr. Dixon presented the petition of John C. Gerber, asking permission to keep and raise hogs on his premises, on Fort avenue, near St. Lawrence School, which was read and laid on the table.

Mr. Dixon offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That permission be and is hereby given to John C. Gerber to keep hogs, not to exceed six in number, on his premises, on Fort Avenue, near Hull street, the same to be removed after thirty days notice shall have been given by the Board of Health.

On motion of Mr. Dixon, the resolution was read a second time, by special order, and adopted.

Mr. Brown, from the joint standing committee on Police and Jail, submitted the following report and resolution, which were read :

The joint standing committee on Police and Jail, to whom was referred the petition of Samuel Goldsmith, asking to have a gas lamp placed at the corner of Central avenue and May street, having examined the subject are of opinion that the petition should be granted, and they beg leave to offer the following resolution :

CHAS. E. PHELPS,
H. H. CHASE,
THOS. J. BROWN,

First Branch.

F. W. ALRICKS,
JESSE MARDEN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to have a gas lamp placed at the corner of Central avenue and May street, in the place of an oil lamp there located, the expense of the same to be taken out of the appropriation for lamps and pillars for the year 1861.

On motion of Mr. Brown the resolution was read a second time, by special order, and adopted.

Mr. Bandel, from the joint select committee on the Accounts of the Comptroller, submitted the following report and resolution, which were read :

The joint select committee on the accounts of the Comptroller have examined the books and accounts of that officer, and find the same correct, they therefore submit the following resolution:

GEO. S. BANDEL,

J. H. TEGMEYER,

JOHN A. J. DIXON,

First Branch.

JOSEPH ROBB,

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Bandel, the resolution was read a second time by special order, and adopted.

Mr. Nicholas moved that a message be sent to the Second Branch, proposing, with their concurrence, that when the Council adjourns this afternoon it stand adjourned until the 30th instant, at three o'clock in the afternoon, which was determined in the affirmative by the following vote, the yeas and nays being required by Mr. Nicholas :

Yeas—Messrs. President, Yeisley, Wolfe, Meyers, Boulden, Thomas, Bolgiano, Staylor, Brown, Nicholas, Blanchard, Phelps, Drakely, Allen, Chase, Dixon, Hay and Crout—18.

Nays—None.

Mr. Myers offered the following resolution, which was read :

Resolved by the Mayor and City Council of Baltimore, That in view of the present position of public affairs and the great necessity of giving all indulgence possible to the tax payers of the city, the joint standing committee of Ways and Means be respectfully requested to inquire into the practicability of extending the time of the tax payers, by their paying the interest on said taxes to the time of said extension.

On motion of Mr. Myers, the resolution was read a second time, by special order, and adopted.

The following message was received from the Second Branch:

IN SECOND BRANCH,

Baltimore, September 10, 1861.

Gentlemen of the First Branch:

We respectfully inform you that we have concurred in your proposition that when the Council adjourns this afternoon it stand adjourned until Monday afternoon, September 30th, at three o'clock.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Crout offered the following resolution, which was read:

Resolved, By the First Branch of the City Council of Baltimore, that the doorkeeper take charge of the chamber during the time intervening between the adjournment this evening and the meeting again on the 30th inst., and that he be allowed a per diem of one dollar for the same, and that the clerk return him upon the pay roll accordingly.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

On motion of Mr. Allen, the Branch adjourned until the 30th instant, at three o'clock in the afternoon.

By order,

J. SHAAFF STOCKETT, *Clerk.*

JOURNAL.

Monday, September 30th, 1861.

FIRST BRANCH.

The Branch met pursuant to adjournment.

Present—all the members, except the President and Messrs. Staylor and Tegmeyer.

On motion of Mr. Crout, JOHN BOLGIANO, Esq., was elected President, pro tem.

Mr. Yeisley presented the petition of George Sprague asking that his son, Thomas J. Sprague, a deaf mute, of the age of nine years, be recommended to the Governor of Maryland as a proper person to be placed in the Columbia Institute for the

Deaf, Dumb and Blind in Washington city, which was referred to the joint standing committee on Education.

Mr. Bouldin presented the petition of M. L. Weems and others, asking the repeal or modification of the ordinance imposing a tonnage duty, which was referred to the next City Council.

Mr. Blanchard presented the petition of George F. Lewis, President of the Patapsco Fire Company, asking that the engine house of said company may be exempted from taxation during the present year, which was referred to the joint standing committee on Ways and Means.

Mr. Blanchard presented the petition of Duvall, Keighler & Boyd and others, merchants of the city of Baltimore, asking the passage of an ordinance extending the time for the payment of the taxes on personal property to a period not earlier than the first of January, 1862, which was referred to the joint standing committee on Ways and Means.

Mr. Crout offered the following resolution which was read :

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to David Ball to hang, during the day, two small canvas frame signs on the posts now before his door, No. 166 Franklin street, to be removed on notice being given to that effect by the Mayor.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

Mr. Thomas, from the joint standing committee on Health, submitted the following report and ordinance which were read :

The joint standing committee of the City Council of Baltimore on Health, to whom was referred the memorial of Joseph D. Fahnestock and others, on the subject of stopping swine in the streets of the city and permitting them to lie down therein, have carefully considered the same, and respectfully report the accompanying ordinance.

D. E. THOMAS,
JOHN BOLGIANO,
H. H. CHASE,

First Branch.

JOHN W. WILSON,
WM. DEAN,
ASA HIGGINS,

Second Branch.

An ordinance to prohibit drivers of swine through the streets from permitting them to stop and lie down therein, to the annoyance of the citizens.

Whereas, drivers of hogs through the streets are in the habit of permitting them to stop and lie down therein in numbers, in one or more places where there is a considerable flow of water, to the great annoyance of citizens, which ought to be prevented ; therefore,

Be it enacted and ordained by the Mayor and City Council of Baltimore, That it shall not be lawful for any person or persons owning or driving any hogs through, or in any of the streets, lanes, or alleys of this city, wilfully to permit the same to stop or lie down therein ; and that any person or persons who, or whose agent or agents shall violate this ordinance, shall be subject to a fine of five dollars, for each offence, to be recovered as other fines are recoverable.

On motion of Mr. Crout, the ordinance was read a second time, by special order, and passed.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the petition of R. Bennet and others, praying permission to extend their respective lots fronting on the south side of George street some two feet into an alley, beg leave to report that they have examined the same and are of the opinion that it would be a serious detriment to the owners of the property on the south side of said alley ; your committee would therefore beg leave to report the following resolution :

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,

First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,

Second Branch.

Resolved that the committee be discharged from the further consideration of the subject.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the petition of Edward Kirby, asking permission to sink a well in front of his premises, corner of Gough and Chapel streets, beg leave to report the following resolution :

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,
First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That permission be and the same is hereby given to Edward Kirby to sink a well on the bed of Gough street, in front of his premises ; the work to be done to the satisfaction of and under the superintendence of the City Commissioners.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Bouldin, from the joint standing committee on Highways, submitted the following report and resolution, which were read :

The joint standing committee on Highways, to whom was referred the report of the City Commissioners relative to the repairs of the Tunnel in Central avenue, beg leave to report that they have examined the premises, and would offer the following resolution :

OWEN BOULDIN,
SOLOMON ALLEN,
JESSE HAY,
First Branch.

ASA HIGGINS,
JOSEPH ROBB,
JESSE MARDEN,
Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the City Commissioners be and they are hereby authorized and directed to have the Tunnel re-built in Central avenue, and draw on the Comptroller, with the approbation of the Mayor, for the sum of sixteen hundred and fifty dollars, or so much thereof, as may be necessary to rebuild the said Tunnel, the expense thereof to be taken out of the levy for the year 1862.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted.

Mr. Crout, from the joint select committee on the Accounts of the Commissioners of Finance, submitted the following report and resolution, which were read :

The committee on Commissioners of Finance Accounts, having examined and found them correct, ask to be discharged from the further consideration of the same. For items, they refer to the annual report made by the Commissioners of Finance.

H. CROUT,

GEO. W. WOLF,

First Branch.

JAS. B. GEORGE, Sr,

F. W. ALRICKS,

JOHN W. WILLSON,

Second Branch.

Resolved, That the committee be discharged from the further consideration of the subject.

On motion of Mr. Crout, the resolution was read a second time, by special order, and adopted.

Mr. Blanchard, from the joint standing committee on City Property, submitted the following report and resolution, which were read :

The joint standing committee on City Property, to whom was referred the communication of the City Counsellor respecting the title of James Polk, Esq., to certain property, heretofore condemned as part of Battery Square, respectfully report:

When the subject was before the committee and the Council earlier in the session, it was determined to complete the purchase of that part of Battery Square claimed by Mr. Polk,

provided his title was approved by the City Counsellor. By reference to his opinion, to be found on page — of the First Branch Journal, it will be seen that the City Counsellor considers the title of Mr. Polk better than that of other parties setting up a claim to the property, but at the same time declines to certify that it is free from doubt. It is an important fact connected with the title, that Mr. Polk has not been disturbed in his possession, which has continued for some years, and that Mr. Winder, from whom Polk purchased, obtained an injunction to prevent other parties, who attempted to eject him, from disturbing his possession. No attempt was ever made to have the injunction dissolved, and the property has remained since in the possession of Winder and Polk. The lot in question, which contains about two and a half acres, runs diagonally through the square, dividing it in such a manner that the city must purchase it, or abandon the project of laying out the Square. The land on either side has been paid for, and a considerable sum has been expended in planting trees.

Under these circumstances, your committee think it for the interest of the city, to complete the purchase of the property, and recommend the adoption of the annexed resolution :

E. WYATT BLANCHARD,
GEO. W. BANDEL,
THOS. J. BROWN,

First Branch.

WM. SWINDELL,
WM. DEAN,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That the Comptroller be and he is hereby authorized to pay to James Polk the amount assessed as the value of lot D on the Plat of Battery Square returned by the Commissioners appointed to make said valuation, with interest thereon from the date when said amount became payable, in such instalments as may be agreed upon by the said Polk and the Comptroller and Register of the city. Provided, however, that before said payment is made, the said James Polk shall execute a deed in fee simple of said lot, with a covenant of general warranty of title approved by the City Counsellor, and shall deliver possession of said lot.

On motion of Mr. Blanchard, the resolution was read a second time, by special order, and adopted.

The following communication was received from the City Commissioners, read and laid on the table :

CITY COMMISSIONERS' OFFICE,
Baltimore, September 30th, 1861.

To the Honorable the Members of the

First Branch of the City Council :

GENTLEMEN :

The Board of City Commissioners would respectfully submit the following report of the monies expended under their supervision, in the employment of the mechanics and laboring men, of the three thousand dollars (\$3,000) appropriated for the "Grading of Webster street."

Amount of Pay Rolls.....	\$2,759 34
Amount of tools, lumber, &c.....	192 60

Total.....	\$2,951 94
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Amount expended on "Jones' Falls," by pay rolls for laborers.....	\$4,155 11
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Amount of tools, lumber, &c.....	694 72
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Total.....	\$4,849 83
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Amount expended upon "Patterson's Park" by pay rolls for laborers.....	\$7,499 15
---	------------

Amount of tools, lumber, &c.....	884 39
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Total.....	\$8,384 54
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Amount of excavation around said Park, as per esti- mate of the City Surveyor.....	33,690 cubic yards.
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Average haul.....	1,134 feet.
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Cost of excavation.....	\$7,300 00
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Cost per cubic yard.....	22 cents.
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ROBERT S. BEETLEY,

Chairman City Commissioners.

The following message was received from the Second Branch :

IN SECOND BRANCH,

Baltimore, September 30, 1861.

Gentlemen of the First Branch :

We respectfully propose, with your concurrence, that when the Council adjourns this afternoon it adjourn *sine die*.

By order,

ALLEN E. FORRESTER, *Clerk.*

Mr. Hay moved that the Branch concur in the proposition contained in the message, which was determined in the affirmative.

Mr. Bouldin, from the joint standing committee on Bridges, submitted the following report and resolution which were read :

The joint standing committee on Bridges, to whom was referred the rebuilding of the bridge over Harris' Creek, on the line of the Baltimore and Phila. R. R., beg leave to report that in consequence of many contingencies which could not be estimated at the time the work was begun, or observed at their preliminary examination, the cost of the work has exceeded the amount appropriated for the same, by five hundred dollars, they would therefore offer the following resolution :

J. H. TEGMEYER,

JACOB YEISLEY,

First Branch.

WM. DEAN,

ASA HIGGINS,

JOHN W. WILLSON,

Second Branch.

Resolved by the Mayor and City Council of Baltimore, That \$500 dollars be and the same is hereby appropriated to meet the balance due the contractor for rebuilding the Bridge over Harris' Creek, the same to be taken out of the appropriation of \$500,000 for the defense of the city.

On motion of Mr. Bouldin, the resolution was read a second time, by special order and adopted.

Mr. Bouldin offered the following resolution, which was read :

Whereas, by resolution approved May 27th, 1861, the Mayor, Comptroller and Register, or a majority of them, were authorized and directed to enter into negotiation with Samuel J. Pentz and others, and William Ortwine, with a view to the purchase from said parties of a strip of land lying between Pennsylvania avenue and Shield alley, for the purpose of enlarging and widening the sewer now lying between the points named ; and whereas, some delay having occurred in the negotiation in regard to the portion of the land owned by Samuel J. Pentz and others, and it being understood that William Ortwine is ready and willing to sell to the city the strip of land owned by him, it is

thought advisable, to not only purchase from him at once, but also to enlarge that portion of the sewer running through his land ; therefore,

Resolved by the Mayor and City Council of Baltimore, That the Mayor, Comptroller and Register, or a majority of them, be and they are hereby authorized and directed to enter into negotiation with William Ortwine, owner of a strip of land lying between Pennsylvania avenue and Shield alley, with a view to purchasing from said Ortwine a strip of land, not less than ten feet wide, for the purpose of enlarging and widening the sewer now running from Pennsylvania avenue and Shield alley ; and if in their judgment they can obtain the said strip of land at a fair and reasonable price, that they be authorized and directed to purchase the same in the name of the Mayor and City Council of Baltimore, and draw upon the Comptroller for the sum necessary for such purchase, the amount to be provided for in the annual levy for 1862 ; and, on the completion of the the purchase, the Board of City Commissioners be and they are hereby authorized and directed to advertise in two or more of the daily newspapers published in the city of Baltimore, for at least five days, for sealed proposals for enlarging and widening, to the width of ten feet, that portion of the sewer now running through the strip of land, and for arching, walling and paving the same, and that they award the contract to the lowest responsible bidder, the amount necessary to pay for the same, to be provided for in the annual levy for 1862.

On motion of Mr. Bouldin, the resolution was read a second time, by special order, and adopted by the following vote, the yeas and nays being required by Mr. Drakeley :

Yeas—Messrs. Wolf, Bouldin, Bandel, Bolgiano, Brown, Allen, Dixon, Hay and Crout—9.

Nays—Messrs. Yeisley, Myers, Thomas, Nicholas and Drakeley—5.

The President announced the reception of a sealed communication from the Mayor ex-officio, addressed to the President and members of both Branches of the City Council.

Mr. Crout moved the appointment of a committee to invite the Second Branch into convention, which was determined in the affirmative ; and the President appointed Messrs. Crout and Drakeley who repaired to the chamber of the Second Branch, and returned accompanied by the President and members thereof.

The two Branches resolved themselves into a convention, and after transacting some business therein adjourned, and the President and members of the Second Branch returned to their chamber.

The President then called the Branch to order.

Mr. Bandel offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the thanks of the members are due and are hereby tendered to John C Blackburn, Esq., for the able, dignified and impartial manner in which he has discharged the duties of the President of the Branch.

On motion of Mr. Bandel, the resolution was read a second time, by special order, and adopted.

Mr. Wolf offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the doorkeeper be directed to take charge of the chamber until the meeting of the next Council, and that he be allowed one dollar per day for the same, and that the Clerk be directed to return him upon the pay roll accordingly, and the Register be directed to pay the same.

On motion of Mr. Wolf, the resolution was read a second time, by special order, and adopted.

Mr. Phelps offered the following resolution, which was read :

Resolved by the First Branch of the City Council of Baltimore, That the Comptroller be and he is hereby authorized and directed to pay to the doorkeeper of this Branch the sum of fifty dollars as compensation for services as page rendered by his son.

On motion of Mr. Phelps, the resolution was read a second time, by special order, and adopted by the following vote, the yeas and nays being required by Mr. Myers :

Yeas—Messrs. Yeisley, Bouldin, Thomas, Bandel, Bolgiano, Brown, Phelps, Chase, Dixon, Hay and Crout—11.

Nays—Messrs. Wolf, Myers, Drakeley and Allen—4.

The Second Branch returned the ordinance entitled "An ordinance to prohibit drivers of swine through the streets, from

permitting them to stop and lie down therein to the annoyance of the citizens," endorsed "passed," the resolution granting permission to David Ball to hang, during the day, two small canvas frame signs on the posts in front of his store, No 166 Franklin street, the resolution discharging the joint standing committee on Highways from the further consideration of the petition of R. Bennett and others, the resolution granting permission to Edward Kirby to sink a well on the bed of Gough street in front of his premises, the resolution directing the City Commissioners to have the tunnel in Central avenue rebuilt, and appropriating sixteen hundred and fifty dollars, or so much thereof as may be necessary to pay for the same, the resolution discharging the joint select committee on the Accounts of the Commissioners of Finance, from the further consideration of the subject, the resolution appropriating five hundred dollars to pay the balance due the contractor for rebuilding the bridge over Harris' Creek, the resolution authorizing the Mayor, Comptroller and Register, or a majority of them, to enter into negotiation with William Ortwine, in reference to the purchase of a strip of land for enlarging the sewer running between Pennsylvania Avenue and Shield Alley, and directing the City Commissioners to advertise for proposals to do the same, and to award the contract to the lowest responsible bidder, the resolution discharging the joint select committee on the Accounts of the Comptroller, from the further consideration of the same, and the resolution directing the City Commissioners to have a gas lamp placed at the corner of Central avenue and May street in place of an oil lamp there located, severally endorsed "concurred in."

An ordinance entitled "An ordinance supplementary to an ordinance entitled 'An ordinance to enforce useful regulations, to restrain certain evil practices therein mentioned, and to remove nuisances,' approved June 5, 1858," was received from the Second Branch read and laid on the table.

On motion of Mr. Crout, the Branch adjourned *sine die*.

By order,

J. SHAAFF STOCKETT, *Clerk*.

The following resolution was presented to the Mayor on the 26th July last:

Resolution to place a fire plug and gas lamps in the Jail yard.

The following ordinances and resolutions were presented to the Mayor on the 31st July last:

An ordinance to authorize the Mayor and Register of the city to issue bonds not exceeding in amount, one hundred and fifty thousand dollars, to enable the Water Board to complete the works now in the course of construction.

Amendment of the ordinance entitled "An ordinance making appropriations for the year eighteen hundred and sixty-one."

An ordinance supplemental to an ordinance entitled "An ordinance to widen the north side of Fayette street, between Calvert and Holliday streets."

Resolution permitting M. J. and W. A. Brown to erect a frame shed on their premises.

Resolution permitting Messrs. Thomas & Boggs to erect a steam engine on their premises.

The following resolutions were presented to the Mayor on the 16th August last:

Resolution to pay F. W. King, Inspector and Sealer of Gas Metres, for expenses of fitting up office in City Hall.

Resolution to pay for the Marine Hospital improvement.

The following resolutions were presented to the Mayor on the 29th August last:

Resolution to pay for improvements at the Jail.

Resolution of thanks to Mrs. George Brown and Thomas Winans, Esq.

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TO THE

JOURNAL

OF THE

FIRST BRANCH OF THE CITY COUNCIL,

1861.

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